

**CONTESTED PLACE:  
RELIGION AND VALUES IN THE DISPUTE,  
BURNT CHURCH/ESGENOÛPETITJ, NEW BRUNSWICK.**

by

Sarah J. King

A thesis submitted in conformity with the requirements  
for the degree of Doctor of Philosophy

Centre for the Study of Religion  
and  
Collaborative Program in Environmental Studies  
Centre for Environment

University of Toronto

© Copyright by Sarah Jean King 2008



Library and  
Archives Canada

Bibliothèque et  
Archives Canada

Published Heritage  
Branch

Direction du  
Patrimoine de l'édition

395 Wellington Street  
Ottawa ON K1A 0N4  
Canada

395, rue Wellington  
Ottawa ON K1A 0N4  
Canada

*Your file    Votre référence*  
*ISBN: 978-0-494-39916-3*  
*Our file    Notre référence*  
*ISBN: 978-0-494-39916-3*

**NOTICE:**

The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

**AVIS:**

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protègent cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

---

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.

■\*■  
**Canada**

**Contested Place:  
Religion and Values in the dispute,  
Burnt Church/Esgenoôpetitj, New Brunswick**

Ph.D. 2008  
Sarah J. King  
Centre for the Study of Religion  
Collaborative Program in Environmental Studies  
University of Toronto

This dissertation is an investigation of how implicit values, concerns and beliefs shaped the prolonged and violent environmental conflict that occurred in Burnt Church/Esgenoôpetitj New Brunswick, Canada, between the years of 1999 and 2002. The dispute in Burnt Church was sparked by the Marshall decision of the Supreme Court of Canada, which recognized the treaty rights of Mi'kmaq people to fish, and prompted the entry of Mi'kmaq fishers into the lobster fishery outside of the regulated season. Grounded in the academic study of religion, philosophical phenomenology, and ethnography, this study demonstrates that the "fishing dispute" in Burnt Church/Esgenoôpetitj was not simply a conflict over access to the lobster fishery, but a result of the deeply contested nature of this place. The dispute in Burnt Church is important as one illustration of the larger dilemma of place-based conflicts between indigenous and settler communities across Canada.

Residents of the two communities of Burnt Church, Mi'kmaq and English, both argue that understanding the dispute requires understanding the place in which it occurred. The philosophical articulation of place suggests that place is the necessary ground of existence, and the way in which people and landscapes inscribe themselves on one another over time (Casey 1993, Malpas 1999, Stefanovic 2000). Religion and values shape sense of place in Burnt Church/Esgenoôpetitj both historically and culturally;

further, people's senses of place are themselves profoundly religious, as sense of place binds together communal social identity. Exploration of this place-based understanding of the dispute, and its history, raises the importance of native and non-native rights, sovereignty, nationalism, and conservation as values articulated in the dispute, and socially and religiously negotiated during and after the conflict. The dissertation concludes with a brief examination of the importance of non-local senses of place in the dispute, such as those of the Canadian government and Canadian activists. Resolution of conflicts such as the dispute in Burnt Church/Esgenoôpetitj asks for more than simply negotiating the presenting issue, whether that issue is fishery access, forestry, or land rights; resolution requires attending to the implicit values and senses of place of both aboriginal people and settler communities.

## Acknowledgements

My deepest thanks to the people of Burnt Church and Esgenoôpetitj, who received me into their communities with such kindness and grace. It was through the support of people in both the Mi'kmaq and English communities that this project took shape, and through the friendship and generosity of many that we not only found a place to live while in Burnt Church, but were able to make a home. This work is based on what I learned through these relationships, with my deepest thanks to those who took me in; all errors, omissions and oversights are my own.

Thank you to my supervisor, Dr. Ingrid Leman Stefanovic, who went above and beyond the call of duty in her support of me over the years of this project, and especially in the final push to completion, and to the members of my committee, Dr. Stephen Scharper and Dr. Hilary Cunningham. I was very fortunate to work with such a patient and inspiring team of scholars.

Thanks to my friends and colleagues in my home department, the Centre for the Study of Religion. Particular thanks to those in the Writing Group, with whom I have met over the last couple of years to agonize over theory and punctuation. My colleagues (and friends) Mona Lafosse, Andre Maintenay, Michael Ostling, David Perley and Laurel Zwissler have all provided important help at key stages of the dissertation process, including pointing me toward critical sources and ideas, and generally commiserating.

Thanks to the Centre for Environment (the former Institute for Environmental Studies), for providing me with such a comfortable and challenging intellectual “second-home” during the course of this project.

This research was supported financially by a Social Sciences and Humanities Research Council Doctoral Fellowship, Ontario Graduate Scholarships, the University of Toronto Doctoral Fellowship, Centre for Environment – Arthur and Sonia Labatt Graduate Fellowships, School of Graduate Studies/E.W.Nuffield Travel Grants, and travel grants and other supports from the Centre for the Study of Religion, University of Toronto. My deepest appreciation to all of these funding bodies.

My family, friends and chosen family have persevered with me through this long process, and some of them have even remained interested in the research itself, long after such things were expected. For all of this, and especially to those who made supportive phone calls at mid-day for many years, I say thanks.

My partner Bruce Sexsmith has given his unqualified and unstinting support over many years. He has bolstered me, been patient with the process, and never ever asked how much longer it was going to take to complete this degree (!). He has supported me in every way, even moving across the country with me, to make this project possible. Special thanks to our son Henry, for giving me the motivation to finish this project, and lending me a second brain to do it. My love and thanks to both of them.

This dissertation was a solo project, but a team effort. Thank you.

## Table of Contents

Introduction.....	1
1. “ <i>The Incidents in Miramichi Began Sunday...</i> ”: Interrogating the Dispute.....	20
2. Burnt Church: A Contested Place.....	59
3. Rights, Sovereignty & Nationalism.....	98
4. Conservation, Power & Place.....	142
5. Canadian Government, Canadian Activists: Contesting Place in Burnt Church.....	177
Conclusions: Our Home and Native Land.....	203
Bibliography.....	215

## List of Figures

Topographic Map of Burnt Church, Burnt Church Indian Reserve & Néguaç.....	12
Map of Nineteenth Century Burnt Church & Néguaç.....	59

## List of Appendices

Introduction to Appendices 1 & 2 (Interview Excerpts).....	226
1. Interview Excerpts: stories of the dispute from the Burnt Church First Nation/Esgenoôpetitj.....	229
2. Interview Excerpts: stories of the dispute from the English village of Burnt Church .....	259
3. Research Protocols.....	290

## **Introduction**

### **Place, Phenomenology, Religion**

In environmental disputes, conflicts are rarely or never simply about the presenting issue, whether that issue is forestry, land rights, fisheries access, or any of innumerable other flashpoints. The underlying values held by communities and individuals affect and determine environmental conflicts. These values may be implicit or explicit in the actions, positions and discourse of a conflict but, nevertheless, they are driving the process, even when the conflict is ostensibly about something else. This dissertation is an investigation of how implicit values, concerns and beliefs shaped the prolonged and violent environmental conflict that occurred in Burnt Church/Esgenoôpetitj New Brunswick, Canada, between the years of 1999 and 2002. Grounded in the academic study of religion, philosophical phenomenology, and ethnography, this study demonstrates that the “fishing dispute” in Burnt Church/Esgenoôpetitj was not simply a conflict over access to the lobster fishery, but a result of the deeply contested nature of this place.

The dispute in Burnt Church/Esgenoôpetitj is important as an illustration of a contested place and because this is a conflict shaped by religion and values, particularly through sense of place. Study of this particular case adds to the ethnographic and phenomenological literature on religion, values and environment, and adds rich detail to the academic conversation on place. In the Canadian context, the dispute at Burnt Church is also important because it is one among many violent conflicts that have arisen between indigenous people and settlers in recent decades. Canada is a land of contested places and

an examination of the values driving native/non-native conflict in one place suggests the complex colonial dynamics that may need to be addressed in other situations.

From its outset, this project has been framed within the study of religion, in phenomenological and ethnographic terms. The history of engagement with phenomenology within the academic study of religion is a complex one, as Walter Capps argues in *Religious Studies: The Making of a Discipline* (1995). On the one hand, the works of classical philosophical phenomenologists, such as Husserl and Merleau-Ponty, have framed the enquiries of some within the study of religion; on the other, suggests Capps, the larger trajectory of the “phenomenology of religion,” though it may take examples from Husserl and others, has developed within the *history* of religions (1995, 109). This dominant historical strain, shaped by the work of van der Leeuw and Eliade among others, “simply regards concentration on religion’s manifest features – the visible, empirical, and self-evident factors – as the most effective ways of coming to terms with the subject” (1995, 110). The philosophical strain characterized by Husserl and Merleau-Ponty is more concerned with ontological and epistemological questions, emphasizing the importance of *phenomena* - “that which appears” prior to theoretical speculation - as the starting point in philosophical investigations. While this movement “to the things themselves,” as Husserl famously wrote, is common to both strains of phenomenological enquiry within the study of religion, the phenomenological approach to religion is most often concerned with the description and classification of religions.

This study, while methodologically engaged with the description of lived values and religions, is also concerned with the ontological and epistemological questions of phenomenology. As such, it takes its cue from environmental philosophy and

phenomenology as well as the phenomenology of religion. Environmental philosopher and phenomenologist Ingrid Leman Stefanovic, for example, suggests that phenomenology is an approach which helps us to navigate between the extremes of naive universalism, and postmodern skepticism, in environmental decision making (2000).

Instead of investigating exclusively subjective experiences or objective, value-free facts in isolation from one another, phenomenology examines the relation between human beings and their world, *before* philosophers engage in any theoretical abstractions that divide or separate their lived experiences from the world within which these experiences find their meaning and their ground (2000, xvii).

By attending to values and religions, and the ways in which these are grounded in people's lived experiences, both of one another and of the place in which they live, this study aims to investigate the taken-for-granted worldviews which shaped the environmental conflict in Burnt Church/Esengoôpetitj NB. The phenomenological approach is valuable here as it sets out a framework of "critical holism" which attempts to recognize that humans live *within* systems of relationship, with one another and with non-human nature. The methodology attempts to resist exaggeration, reductionism and excessive abstraction (Marietta 2003). Like the phenomenology of religion, eco-phenomenology is concerned with understanding things *in their context*, rather than as abstracted or separated from it (Brown 2003, King 1999, Marietta 2003, Smith 2000).

This consideration of things in context, while guided by eco-phenomenology, remains a project situated within the study of religion. Capps frames the study of religion as a field guided by four central questions: discovering the nature of religion, the *sine qua non*; determining the origin of religion, its *primordium*; describing the characteristics of religion and placing them in meaningful order; and understanding the purpose or function of religion ("What is religion for? What needs does it meet? How does it serve society?

What does it contribute to culture?” [1995 xiv].) The phenomenological approach discussed above engages with the challenge of description and ordering, as characterized by Capps. In endeavouring to understand the influence of values and religion on specific communities and conflicts, this study also engages with the fourth question of religion, the question of function. By studying religion in its “social, cultural, and political roles,” the internal organizing principles of values and worldviews can begin to become apparent (Capps 1995, 158). Sparked by the theories of Durkheim and Weber, academic engagement with questions of the purpose and function of religion has included much sociological and quantitative research. For the purposes of this project, approaches to the question of the function of religion are most appropriately exemplified by scholars such as Clifford Geertz and Robert Bellah. Bellah’s explication of the role of “civil religion” in the United States emphasized the importance of religious frameworks in public moral principles and social life, regardless of the relationship of such frameworks to formal religions or religious traditions (1967, 1991). Geertz, a cultural anthropologist, suggested that religion must be understood as a cultural system (1966). He argued that anthropologists must begin to approach religion, not as another illustration of anthropological theory, but as an integral element of societies and cultures, in its constitutive elements, and in its own terms as “a way of approaching the world or as a mode of engaging reality” (Capps 1995, 182). His emphasis on the importance of detailed, narrative-based (“thick”) description of culture, and the role of religion as a source of world-view and perceptual framework, is reflected in much of the qualitative, ethnographic work of the anthropology of religion, which also guides the methodology and analysis of this dissertation.

This attempt at engagement with “the things themselves,” with thick description, critical holism, and the role of religion in forming worldviews and hence environmental conflicts shapes the methodological orientation of this project as qualitative, phenomenological and ethnographic. Bruner argues in his article “Ethnography as Narrative” that there is no primary, naïve understanding that we later explicate or intellectualize; ethnographers all begin with a narrative in our heads which structures our experience in the field (1997). This narrative is then shaped and formed through many tellings over the different stages of research and publication. This emphasizes the importance of contextualizing the perspective of the researcher, as well as that of those participating in the research project; the ethnographer has a location within the field of research as do the project participants (King 1999, Warren 1998). The phenomenological emphasis on the relations *between* human beings and their world (Stefanovic 2000) does not exempt the researcher, but includes her, in her particular role, in relationship to and yet apart from the community with whom she engages in research.

In this context, the challenge for the qualitative researcher is to verify that her work is “believable, accurate and right,” as Creswell points out (1998, 193). Creswell outlines many ways in which this verification might be carried out, depending upon the qualitative methodology which is being used. Overall, he suggests that procedures for verification in qualitative studies could include: *prolonged engagement and persistent observation* in the field, building trust with a community and learning about local culture; *triangulation*, or the use of multiple sources and methods to corroborate findings; *peer review or debriefing* of findings; *negative case analysis*, refining the working hypothesis as the research progresses, in light of disconfirming evidence; *clarifying researcher bias*

through ongoing self-reflection and engagement with other researchers and research participants; *participant checks*, soliciting participant's views of the findings and interpretations of the project; engaging in *rich, thick description* of events, perspectives and experiences; and seeking out *external audits* of the research and its findings (1998, 201-203). Cresswell's position is that any study should engage with at least two of these verification methods; in this project, all were engaged at some point, save the external audits (though the dissertation defense might be understood as an external audit in some sense). More detailed reflection on the nature of the researcher's position in the field, and the forms of verification used in this study, are included in the later sections of chapter one. Within the general theoretical framework of the dissertation as outlined here, the point is to recognize that the ethnographic researcher participates from within and outside the world of experience in a particular place, and that this recognition of the researcher's subjectivity does not impede the accuracy, believability or usefulness of the project outcomes. Ethnographic and narrative approaches to problems of values and religion are important not because they render some kind of neutrality or objectivity, but precisely because they can illuminate the complex lived experiences of people in their holistic context, in ways that can remain verifiable and generalizable.

Framed by the philosophical anthropology to which phenomenology challenges us, this project began with the hypothesis, or narrative (as Bruner would characterize it), that implicit values and beliefs drove the environmental conflict in Burnt Church/Esgenoôpetitj, and that understanding how and why the dispute played out as it did requires attending to these values and beliefs. Through 12 months of phenomenological and ethnographic field work, and a subsequent 24 months of interview

transcription, data analysis and writing, the importance of place as the fundamental grounds of the dispute became more clear. To local people in the communities of Burnt Church and Esgenoôpetitj (the Burnt Church First Nation), the dispute was impossible to understand unless one understood the landscapes and communities where it had happened, and what life was like there. If one did not understand the place, one could not understand the conflict. (The importance of place in the dispute is explored at great length in chapter two.) Place and sense of place are philosophical, religious, geographic and anthropological notions which have also been explored in some depth in the academic literature. Because place/landscape/community was so important within the communities of Burnt Church/Esgenoôpetitj, it is to this literature that I turn, to contextualize and interpret the stories and experiences of my fieldwork.

In the academic context, place is a holistic notion which describes the contemporaneous development of people and landscapes as they influence one another over time. While the literature on place reaches across many disciplines, this project draws primarily upon the philosophical – and to some extent, the anthropological – literature on place, beginning from the ontological explication of place as the necessary ground of all experience. “There is no being without being-in-place” (Casey 1993, 313); as Malpas points out, drawing on Heidegger, “place is integral to the very structure and possibility of experience” (1999, 32). Sense of place, the belonging of people to home/territory/landscape, is a fundamental and necessary condition of human existence, something so elemental that it often becomes apparent only when these attachments are jeopardized (Casey 1993, Basso 1996, Malpas 1999, Stefanovic 2000). Religion and values are important to place as historical or cultural influences; further, many scholars

have suggested that place itself is religious, in that it binds together communal social identity with powerful force (Basso 1996; see also Stefanovic 1999, Mugerauer 1994). Senses of place are not only geographic, historical, and cultural, but also expressions and instantiations of the values, beliefs and practices of a community.

Religion has a significant historical importance to the shaping of the Canadian nation, particularly in shaping Canadian relationships to landscape and aboriginal people and, therefore, Canadian senses of place. A clear example of the effect of colonial religion on aboriginal and settler relationships to place is the project of the native residential schools, funded by the Canadian government and operated by Canadian churches, which removed native children from their homes and communities in order to re-educate them as “Canadians” and Christians. The same key people and government departments involved in implementing the residential schools system were also involved in creating the national parks system, and in making other major decisions about Canadian lands and landscapes. The creation of both of these systems was predicated on the idea that the wild lands of Canada were being emptied of indigenous people, either through the integration of natives into Canadian society, or their “inevitable extinction.” For example, Duncan Campbell Scott, the head of Indian Affairs within the federal government after the turn of the twentieth century, negotiated major treaties between the Canadian government and First Nations, implemented the residential school system, sat on the federal committee which created the first national parks, and was a published poet who wrote extensively about the “sad fate of the Indian” (King 2004, Dragland 1994, Titley 1986). Scott’s writings demonstrate his belief, not unusual for the period, that native people would either become successfully Christianized or die in the face of

“superior” British-Canadian Protestant culture, beliefs which motivated and directed his specific activities like the creation of the residential schools system, and even the national parks system. Contemporary Canadian views of nature, as embodied (for example) in our national parks system, have been rooted in specific Christian ideas and ideals of settlement, including the prospect of the inevitable death of native populations, leaving the land wild and empty for Canadian settlers (King 2004).

This question of the role of religion and values as factors in Canadians’ conceptions of place and landscape, particularly in shaping contemporary conflicts with indigenous peoples, is a critical one. Over many decades, First Nations have been embroiled in conflicts with the Canadian government over access to land and resources, from the activism of the Cree against the James Bay hydroelectric development in Quebec (Bosum 2001, Patrick & Armitage 2001, Scott 2001) and protests of northern aboriginal peoples against the Mackenzie Valley Pipeline in the 1970s (Berger 1977), to many more recent conflicts, including that in Burnt Church. In 2006, in Caledonia Ontario, members of the Six Nations of the Grand River occupied a housing development situated on land which they believe is rightfully theirs, under the original settlement agreements of their ancestors. At the time of writing, the Caledonia occupation is ongoing. In 1995, members of the Stony Point First Nation occupied Ipperwash Provincial Park (ON.) The park was situated on land expropriated from the First Nation by the Department of Defense during WWII, and the occupation was an attempt to force the government to fulfill its promise to return the land. The unarmed occupiers of the land were confronted by the Ontario Provincial Police, and protester Dudley George was shot and killed by police snipers (Linden, 2007). In Oka, Quebec, in 1990, native protesters

erected barricades to block development of a golf course situated on lands under claim, which they believed to be sacred. This precipitated a tense standoff, involving not only native protesters and the provincial police, but also the Canadian army. A provincial police officer was shot and killed, and two other deaths are also attributed to the conflict.

In some of these situations, such as the Oka and Ipperwash conflicts, tense standoffs between the Canadian government and native protesters erupted into violence, and sometimes the loss of life. In others, such as James Bay and the Mackenzie Valley, native protesters mounted long and sustained political campaigns to try to persuade the government and the public to address their concerns. In all of these conflicts, however, issues of land and resource use and governance are central. The Canadian landscape is one of contestation and negotiation: the conflict in Burnt Church was unique in its location and concerns, but it is a part of a larger legacy of place-based conflict among and between indigenous peoples and Canadian settlers.

### **Introduction to the dispute in Burnt Church/Esgenoôpetitj**

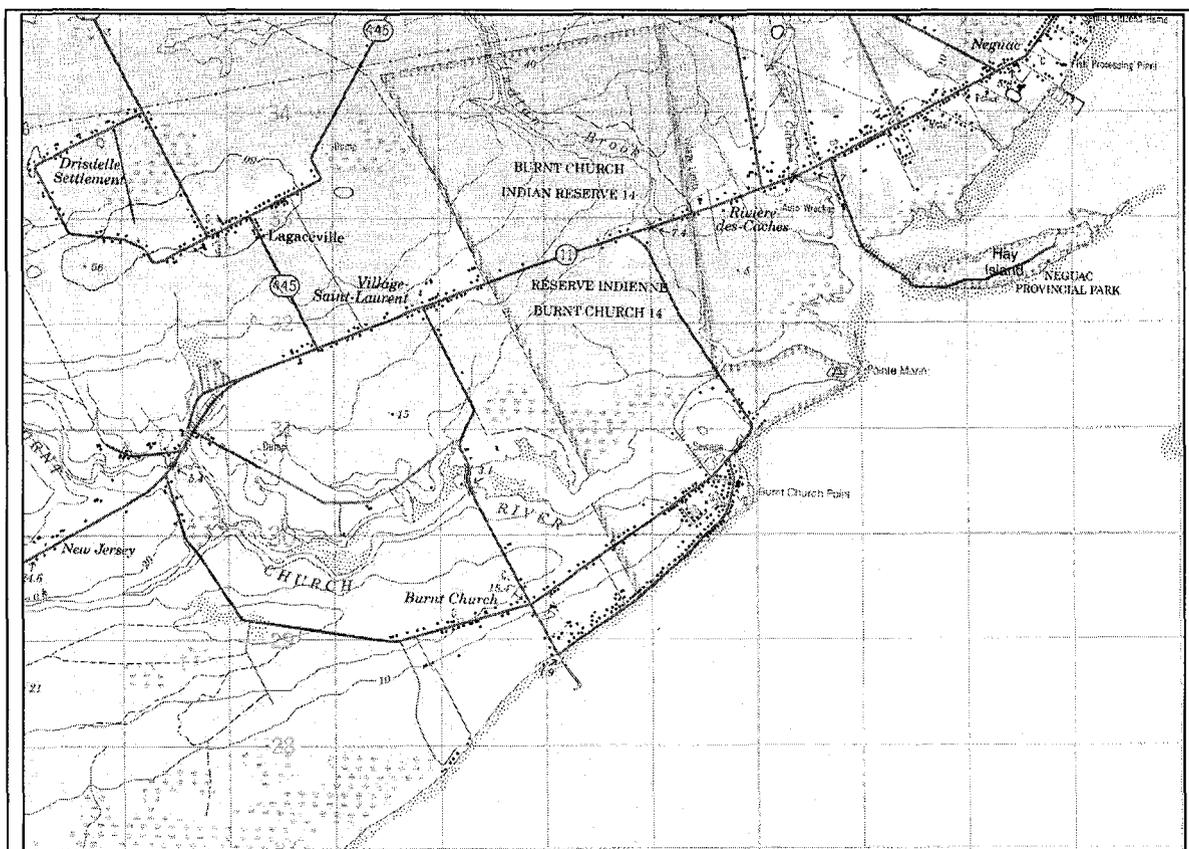
In Burnt Church, New Brunswick, from 1999 to 2002, the Mi'kmaq community engaged in a prolonged conflict with the Canadian government and the non-native residents of neighbouring English and Acadian communities over access to the lobster fishery. This conflict followed a decision of the Supreme Court of Canada which upheld the treaty rights of a Cape Breton Mi'kmaq man, Donald Marshall Jr., to fish eels without a licence. Based on the court's ruling, members of the Burnt Church First Nation (Esgenoôpetitj) wished to exercise their treaty rights to fish in the Atlantic waters of

Miramichi Bay, where their community is located. They began a native lobster fishery in the fall of 1999, outside of the Canadian government's regulated season.

The fishery caused great concern in neighbouring non-native communities, who depend on the lobster fishery for their livelihood, as well as within the Canadian government, whose representatives wished to uphold the force and integrity of federal regulations. Violence broke out in the region, involving all parties – native protesters, the Canadian government and non-native communities. Over the four years of the dispute, boats, trucks and cottages were burnt, people were threatened and beaten, native boats were rammed and capsized by government vessels, barricades were erected on local roads, and shots were fired on a number of occasions. These incidents drew national and international attention and were the focus of much political debate across Canada. In 2002, the dispute subsided, when the elected chief and council in Burnt Church/Esgenoôpetitj signed an Agreement-In-Principle with the federal government, which regulated native access to the fishery in exchange for money, boats, and licences that allowed more natives to enter the federally-regulated commercial fishery.

The Burnt Church First Nation, known in Mi'kmaq as Esgenoôpetitj, is situated on the shores of Miramichi Bay in northeastern New Brunswick (see map on following page). Immediately beside the First Nation is a small village of English settlers, also known as Burnt Church. The Acadian peninsula, to the northeast of the communities of Burnt Church, is inhabited largely by French-speaking descendants of the Acadians who settled in northern New Brunswick after the expulsion in 1755, and by Mi'kmaq communities of long-standing. The Acadian town of Néguaac lies directly northeast of the two Burnt Church communities. To the southwest lies the region known as the

Miramichi, historically dominated by the great river system that gives the region its name, where settler communities are largely, but not entirely, Anglophone, and many Mi'kmaq communities also make their home. The two communities of Burnt Church, Mi'kmaq and English, exist side-by-side on the shores of Miramichi Bay, but are very separate places. While the fishing dispute in Burnt Church involved many in the region and across the country, it was focused on the waters and lands of these two communities, a shared experience that reflected and continued the deep divisions that exist between them.



Topographic map of Burnt Church, Burnt Church Indian Reserve & Néguaac, indicating roads, buildings and waterways (Energy, Mines and Resources Canada, 1992). The names on this map do not necessarily correspond to local names, especially in the First Nation where, for example, Pointe Morin is known as Diggle Point.

*1 square = 1 km*

During the dispute in Burnt Church, some Canadians involved themselves in the conflict out of religious and justice-oriented convictions. For example, the Aboriginal Rights Coalition – Atlantic (ARC-A) a church-based regional coalition, and the Tatamagouche Centre, affiliated with the United Church of Canada, involved themselves in the conflict; both are communities of largely non-native people. The Observer Project of ARC-A and the Tatamagouche Centre was an effort in which they trained and sent teams of concerned volunteers to Burnt Church to monitor the violence of the fishing dispute, in hopes of mitigating it. This involvement in the dispute in Burnt Church, including relationships with local groups in Esgenoôpetitj (the Burnt Church First Nation) such as the Wabanaki Nations Cultural Resource Centre, suggested that in the Burnt Church dispute, religion was perhaps understood as a dimension of the larger conflict. As the dispute in Burnt Church/Esgenoôpetitj developed, I wondered whether it was a place where the larger issues of relationship between indigenous and Canadian people were playing out as a conflict over lobster. In the summer of 2004, after a visit to the native and non-native communities of Burnt Church/Esgenoôpetitj to introduce this project, I began 12 months of fieldwork investigating the role of religion and values in the fishing dispute.

Attending to the values, beliefs and practices of people involved in environmental conflicts illuminates the issues which motivate people's participation in such disputes, and reveals the deeper concerns which give rise to such conflicts. Since understanding religion and values is necessary to understanding place, then understanding religion and values is necessary to understanding the dispute in Burnt Church. In the case of Burnt Church, though the dispute focused on lobster specifically, the problem of lobster catches

and quotas was not the only issue at the heart of the conflict. The dispute was one moment in the ongoing contestation of place that has been happening in Burnt Church/Esgenoôpetitj since the arrival of the first settlers. The activism of the dispute represented, for the Mi'kmaq, their exercise of aboriginal rights and sovereignty in their own lands and waters as affirmed in the treaties, and by Canadian courts. Their understanding of rights and sovereignty is grounded in traditional Mi'kmaq worldviews, and negotiated in the present through traditional and Christian religious practices, including Catholic and charismatic engagements. For the residents of the English village of Burnt Church, the dispute threatened not only their livelihoods, but their identities as members of the Canadian nation. Over time, Canadian identity is being renegotiated in the English community, through the practices of public or civil religion, such as the installation of a cenotaph. Enquiring into religion as a part of this study illuminates not only people's values and concerns in the dispute, but also the ways in which they negotiate and understand their experiences of violence and conflict post-dispute. Creating lasting, stable, peaceful solutions to conflicts over place, such as those experienced in Burnt Church, requires addressing the issues which deeply motivate and concern the people involved, issues which can be more easily revealed when religion and values are understood as complex, contributing social factors.<sup>1</sup>

---

<sup>1</sup> There are many examples of conflicts in which peace-building is tied to developing a critical understanding of religion and religious context. See, for example, the work of Ariyaratne and the Sarvodaya Movement in Sri Lanka:  
Ariyaratne, A.T. (1989) *Collected Works* Moratuwa: Sarvodaya Shramadana Movement.  
Macy, Joanna (1985) *Dharma and development : religion as resource in the Sarvodaya self-help movement* West Hartford: Kumarian Press.

## **Dissertation Overview**

This dissertation attempts to explicate the ways in which religion and implicit values shaped the dispute in Burnt Church/Esgenoôpetitj, and the ways in which these elements were expressed and contested in the Mi'kmaq and English communities post-dispute. At its heart, this is a work about experiences and interpretations of the dispute in the two communities that call themselves Burnt Church. At the same time, these communities were not the only players in the conflict, nor did they act or live in isolation during the years of the dispute. For this reason, this dissertation also touches on other publicly expressed views of Burnt Church and the dispute, particularly the media's representation of events, and those expressed by the Canadian government, and by Canadian activists (such as ARC-A), who were also involved.

The first chapter begins by outlining the events of the dispute as they were represented in the media, the version which would be most familiar to the average Canadian. The media's representation of the dispute focused on the violent incidents of the dispute, and on the ongoing disagreements over lobster traps, licences and quotas, and raised as many questions as it answered. Why was the dispute so heated and prolonged? What was it that motivated the ongoing Mi'kmaq protest, and the fierce opposition of their neighbours, through so much violence and over so many years? Was it really just about lobsters, or are there other fundamental concerns at play? These questions have motivated this research into the dispute, and my research questions, approach and methodology are outlined in the remainder of the chapter. A non-native Canadian entering the two communities as a student academic, I was both graciously and cautiously received by local Mi'kmaq and English residents, and my relationships with them have

shaped every aspect of this dissertation. This chapter concludes with an outline of these relationships, and a reflection upon their significance for my research, and how they have shaped my discussion of these questions.

Over my year in Burnt Church, it became clear that many locals in both communities felt that one could not understand the dispute or its significance unless one understood what it “was really like” to live in Burnt Church. The question of people’s relationship to place lies at the heart of the dispute. Drawing upon my experiences of Burnt Church, and philosophical and anthropological discussions of place by authors such as Casey (1993), Basso (1996), Malpas (1999) and Stefanovic (2000), chapter two outlines the cultural, religious, and historical construction of Burnt Church/Esgenoôpetitj as a contested place. The two communities of Burnt Church have very separate notions and experiences of place, though they inhabit the same landscape. Each community is very specifically and richly tied to their place and yet, for each group, the threat of their displacement has become an integral part of place itself. At some level, for each community, the very presence of the other Burnt Church reminds them of the history or possibility of their displacement; each community has developed a sense of their place as contested, where their right of continued residence, authority and belonging is constantly challenged and defended. In significant ways, the dispute in Burnt Church is about place.

Chapter three opens with a detailed discussion of the events and experiences of the dispute in Burnt Church and the Burnt Church First Nation/Esgenoôpetitj. The stress and violence of the conflict had a significant impact on the people of each community, both during the dispute and in its aftermath. In Esgenoôpetitj, people’s concerns for indigenous rights and Mi’kmaq sovereignty motivated their perseverance in the dispute,

and continued to be important issues for many after the dispute subsided. In the English village, the experience of the dispute raised questions and concerns for many people about their place as Canadians, and their relationship to the Canadian government. In both communities, the issues of rights, sovereignty and nationalism were not simply political issues, but complex problems of worldview, religion and identity which engaged individuals, groups, and sometimes the entire community. While in the First Nation, concerns about aboriginal rights and sovereignty inspired many people to enter into the dispute, the prolonged conflict has led people in each community to reexamine their identities, as Mi'kmaq and/or as Canadians.

Throughout the dispute, a key concern in public debate was conservation. The sustainable management of lobster stocks was a top priority of the Canadian government in the dispute, the focus of mediation and negotiation, with all parties positioning themselves as the most able to manage fishery resources according to broad conservationist principles. This focus on conservation as the centre of the dispute left little room for other concerns of the communities of Burnt Church (such as sovereignty or livelihood) to be addressed, unless these were presented as dimensions of conservation. During the dispute, the discourse of conservation became the framework within which the concerns, values and aspirations of each of the Burnt Churches was presented, in hopes that they might be received favourably by outside parties, such as the Canadian government or the Canadian public. The values articulated by people in the Burnt Churches were not related to the common eco-centric or social ecology positions often posited as alternatives in wider environmental ethics discourses; in the dispute concerns for livelihood, critiques of the government, and negotiations for alliances were all

presented within the framework of conservation. The imposition of the discourse of conservation on these two communities is a dimension of the larger phenomenon of the colonization and globalization of indigenous and rural communities, as Guha (1989) and Vandergeest & DuPuis (1996) have outlined. At the same time, conservation became a critical way in which both communities articulated and defended their positions, and their places. Chapter four explores the role of conservation discourse in Burnt Church and Esgenoôpetitj, both as a restriction of and an opportunity for the presentation of local concerns.

Chapter five raises the importance and impact of conceptions of place that are other than local in the dispute, such as the views and ideas of governments and activists who were involved in the conflict. This examination of the participation of the Canadian government and Canadian activists in the dispute is based on the public record and on the analyses of local people. Religion was an important dimension of these groups' conception of and participation in the dispute, not only because place operates at the level of identity, and because many activists were religiously motivated, but also because, as Berglund and Anderson have pointed out, nationalist myths are often invoked in environmental conflicts to legitimate protectionist action (2003, 5). The importance of these groups to the dispute, their senses of place, and the ways in which they rely upon and resist nationalist mythmaking begins to demonstrate the ways in which the particular conflict in Burnt Church reflects the larger issues of relationship between settlers and indigenous people in Canada.

The concluding chapter continues to explore these questions of indigenous/settler relationship, suggesting that resolving disputes such as the one in Burnt Church requires

acknowledging and addressing the competing senses of place at issue. Issues of resource access and management, or land ownership and title, are not simply scientific, legal, or economic problems. They are complex conundrums, which arise because many groups, communities, or nations can all have unique ties to a specific place simultaneously. As this exploration of the situation at Burnt Church/Esgenoôpetitj will demonstrate, attending to the religious and value dimensions of these conflicts allows a deeper understanding of what they are “really about.” Getting to solutions, I suggest, begins once each party can acknowledge the concerns and experiences of the other, not necessarily as equivalent, but as equally legitimate. Burnt Church is a Mi’kmaq place, Esgenoôpetitj. It is also a settled place, home to Canadians. Perhaps the recognition of these two truths could be the beginning of a mutual recognition, a way to address the ongoing challenge of contested places, not only in Burnt Church/Esgenoôpetitj, but across the Canadian landscape.

## Chapter 1

### ***“The Incidents in Miramichi began Sunday...”: Interrogating The Dispute***

The “dispute” in Burnt Church, New Brunswick, erupted in 1999 after the Supreme Court of Canada’s Marshall Decision, in which the court upheld the eighteenth-century treaty right of the Mi’kmaq to fish. Native fishers immediately entered the local lobster fishery outside of the Canadian government’s regulated season, to the consternation of local (non-native) commercial fishers. While most native communities in Atlantic Canada quickly reached agreements with the government regulating their access to the fishery, the people at Esgenoôpetitj did not. They wished to regulate their own access to the fishery, according to the treaties, under a management plan written and enforced by community members. The government of Canada and its agencies, such as the DFO (Department of Fisheries and Oceans) and the RCMP, did not recognise this right, and violence erupted on the waters.

Over the subsequent three years, the conflict escalated in the communities. Local non-native fishers cut native traps, destroying their gear and their investment. Retaliatory violence was sparked on land – trucks and cottages were burnt in the English community, and the harbour, a sacred site, was burnt in Esgenoôpetitj. Native Warriors mobilized within Esgenoôpetitj, and travelled into the community from across North America, occupying the wharf and at times barricading local roads. Non-native members of the Christian Peacemaker Teams and the Aboriginal Rights Coalition – Atlantic arrived as solidarity workers and observers within the First Nation. Police and government activities in Burnt Church/Esgenoôpetitj continued to increase, through the work of the RCMP, the

DFO, the Coast Guard, and the work of government-appointed mediators. The media presence on the waterfront of both communities grew over all these years.

The encounters on the waters, and to a lesser extent the confrontations on the land, took their toll on all involved. In August of 2002 the elected (band council) chief of Esgenoôpetitj and the Government of Canada signed an “interim agreement” governing the native fishery. The media and the police left the communities, their attention turned to the next flashpoint. In the public story, the conflict is over, the dispute resolved with the signing of an agreement-in-principle, and the people of Burnt Church are free to go on about their lives.

There are many layers to the story of what happened in Burnt Church from 1999 to 2002 – many differences in what members of each community experienced, and what groups within communities experienced. The subsequent chapters of this dissertation will explore these experiences of the dispute, beginning with a discussion of the importance of place in the dispute, and the nature of place in the communities of Burnt Church/Esgenoôpetitj in Chapter 2, and continuing with exploration of the importance of rights, sovereignty & nationalism (Ch. 3), and conservation (Ch. 4) to these people and places in the following chapters. One important dimension common to the experiences of native and non-native locals involved in this project is the feeling of the overwhelming power of the Canadian government and the media (regional and national) to shape the situation. For those of us who are outsiders to this place, it is the stories of the media and the government that have shaped our perceptions of the Burnt Church dispute, and formed the foundations for our responses to this conflict as it arose. This chapter is concerned with these stories of government and media, with the “public version” of the

dispute. Of course, any summary of events such as these includes a hermeneutic dimension. This “public version” of the dispute is important precisely because of its limitations and biases, and the ways that these would shape our views of the dispute, were we to rely upon it as our only window into the events in Burnt Church. Drawing on documents available in the public record, particularly news reports and government press releases, one version of the history of the dispute has been reconstructed. What would a moderately interested Canadian, watching television and reading the papers from 1999 to 2002, “know” about the conflict in Burnt Church? What is the common public history of Burnt Church? The politics of the public debates around Burnt Church are all rooted in the same story about what happened, one that has a strong chronology, focused on the “developing events” over the years; heavy in government action and positioning; dominated by the stories of reporters “on the ground” in New Brunswick upon which national editorialists opined. This is the familiar picture of Burnt Church – interesting both for what it says, and for what it leaves out, as will become evident in later chapters of this work.

### **The Marshall Decision**

In 1998, the Supreme Court of Canada heard an appeal in the case of Donald Marshall Jr., a Mi’kmaq man from Nova Scotia, who had been charged under federal fishery regulations with fishing eels illegally. At trial, Marshall admitted that he had been fishing eels as the government charged, but he and his lawyers argued that this was not illegal. Their position was that the Mi’kmaq people held the right to fish according to the British – Mi’kmaq treaties of 1760-61, and that the regulations of the Canadian

government did not apply to Mi'kmaq fishers who had the right to fish as outlined in this treaty. In a decision handed down on September 17, 1999, the Court upheld Marshall's treaty right to fish and gather wildlife, saying "nothing less would uphold the honour and integrity of the Crown in its dealings with the Mi'kmaq people to secure their peace and friendship, as best the content of those treaty promises can now be ascertained" (R. v. Marshall, Sept. 17 1999: 2). The majority held that these rights to fish for trading purposes were limited to those which would enable Marshall to earn a "moderate livelihood", and that they could be regulated by the Minister of Fisheries and Oceans if this was done in a way that did not "infringe on his right to trade for sustenance"(R. v. Marshall, 3). Marshall was acquitted on all charges.

### **Natives Enter the Fishery**

The Marshall decision, though it pertained to eels specifically, was seen as upholding the general terms of these early treaties, and specifically as upholding the rights of Mi'kmaq in the Maritimes to fish, hunt and gather in order to earn a moderate livelihood. Mi'kmaq people began to enter the lobster fishery across Atlantic Canada. In the fall of 1999, after Marshall, native fishers fished and sold lobster with or without commercial licences, disregarding the regulated season.<sup>1</sup> By September 30, the Canadian Press, reporting on a meeting of Atlantic chiefs to respond to Marshall, characterized the mood in the region as developing "against a backdrop of growing turbulence in the Maritime lobster fishery, and fears of violent confrontation on the water between native and non-native fishers" (Morris 1999). The chiefs appealed for patience, and argued that

---

<sup>1</sup> This fishery is divided into geographic zones by the Department of Fisheries and Oceans, with different zones across the region opening to commercial fishing at different times. In the Miramichi, the season is normally open from the first of May to the end of June.

the small numbers of native fishers in the water would not have a large impact on the existing commercial fishery. Chief Lawrence Paul, of Millbrook NS, suggested that “the non-Indian fisherman must realize that we have the law of the land behind us now” (Morris 1999).

The native fishery sparked immediate responses from the government, and from commercial fishers, both of which added fuel to the fires of tension. On Oct. 1, Herb Dhaliwal, the Minister of Fisheries and Oceans, released a statement in which he appealed for calm, and emphasized that while the court’s ruling upholds Mi’kmaq treaty rights, “it has also made it clear the exercise of the right is subject to regulation by Government” (Department of Fisheries and Oceans, 1999). In the *Times & Transcript* (a New Brunswick daily published in Moncton) the following day, Mike Belliveau, speaking for the Maritime Fishermen’s Union, is reported to have said that 160,000 kg of lobster had been fished already by native fishers: “At the rate at which the removals are going, it’s clear that there will not be a sustainable commercial fishery in that area in the springtime” (Porter 1999, C2). Within two weeks of the Marshall decision, tensions between those who saw the court decision as an affirmation of native rights and those who saw a native fishery as a threat to resources and regulatory regimes had seriously escalated.

On Sunday Oct 3, on Miramichi Bay, this tension ignited. Protesting commercial fishers from Acadian and English communities took to the waters to make known their displeasure with the native fishery, and the failure of the Department of Fisheries and Oceans to close the fishery. Native lobster traps were destroyed, and fish plants accused of buying native-caught lobster were damaged. The native community responded.

Trucks belonging to non-native commercial fishers were burnt, and a violent altercation broke out between native and non-native people in the community of Burnt Church:

Tensions between Indian and non-Indian fishermen exploded yesterday in a pre-dawn raid by at least 100 fishing boats, destroying perhaps thousands of Micmac lobster traps in New Brunswick's Miramichi Bay. ...Mobs also stormed three local fish-processing plants accused of handling Indian-caught lobsters. (Tenszen & Auld, 1999)

The incidents in Miramichi began Sunday when non-natives in about 150 boats pulled up hundreds of native lobster traps and released their catches.

It soon spilled over to three area fish plants, where an angry mob trashed equipment, and to a wharf, where two trucks were set on fire. Police towed away the charred remains of one of the trucks Monday.

Non-natives say lobster stocks will be decimated if natives are allowed to fish unchecked. They say it's unfair that natives don't have to pay for expensive lobster licences and can fish throughout the year while they are confined to seasons. Some natives confronted RCMP officers Monday, demanding that some of the non-natives be charged with destroying their traps. (Auld, 1999)

“What's going to happen if there are no charges, the natives are going to get pissed off and they're going to try to get even,” said Kathy Lambert, a member of the Burnt Church First Nation. “It could get violent. ....” (Auld, 1999)

By Sunday night, the Burnt Church wharf was under occupation by members of the Burnt Church First Nation.

While natives continued to fish in other Atlantic communities, notably near Yarmouth Nova Scotia, media attention focused on Burnt Church. Photos and videos of the wharf occupation were broadcast across the country and described in papers: “Mi’kmaq erected teepees and flew Mi’kmaq, Mohawk and Burnt Church band flags. Several natives dressed in military camouflage gear stood by, saying they would block any further non-native attempts to wreck traps” (Poitras, 1999). Along with the ongoing threat of violent retaliation for the destruction of property in both communities, these images drew the attention of columnists and commentators. In the *New Brunswick Telegraph-Journal* on

Wednesday, Dalton Camp blamed the double-speak of the federal government for the crisis; lawlessness broke out because of the failure of the Department of Fisheries and Oceans to act, and of any government official to speak up and say that the native fishermen were legally within their rights (1999). On Thursday in that same paper, Chantal Hebert blamed the Trudeau government, the constitution and the Supreme Court for the conflict, pointing out that “Over almost two decades of interpreting the 1982 constitution, the country’s top court has regularly crafted out rights where many thought none had existed” (1999).

In the midst of this debate, the federal government urged the Atlantic chiefs to impose a moratorium on post-Marshall fishing, so that some sort of agreed upon regulation could be reached. Herb Dhaliwal met with regional fishermen’s groups, and then with the Atlantic Policy Congress of First Nation Chiefs in Halifax. He argued that “a treaty right is a regulated right – (that) the Federal government and I, as Fisheries Minister, can regulate that right”, and that he could (and would) choose to impose a solution if that became necessary (Poitras 1999b, A1). Native leaders publicly characterized this conversation with Dhaliwal as an “ultimatum” (1999b, A2). In the end, though, the chiefs agreed to ask the communities involved in fishing to voluntarily begin a 30-day shutdown. Most communities agreed – though most of these were land-locked communities who had not entered the fishery.

Burnt Church, however, did not agree to the moratorium. Reporting in the Gazette, Rick Mofina suggested that this refusal was because native fishers “believe it is their right and duty to support their families in accordance with last month’s Supreme Court ruling upholding their ancient right...” (1999). This refusal to impose a

moratorium, along with the previous incidents of violence, arson, and trap cutting, focused national attention on Burnt Church in a very particular way. The *Ottawa Citizen* characterized life in Burnt Church as under a “state of siege”, where neither side felt safe from the threats of the other (Auld, 1999b). Since the moratorium was not taken up in Burnt Church, Fisheries Minister Dhaliwal attempted in mid-October to impose regulations on the two native communities which were still fishing. While the fishermen’s unions and other non-native groups welcomed the trap limits as evidence that the government was doing its job, and urged them to enforce these limits strongly and quickly, the people in Burnt Church/Esgenoôpetitj received these regulations as a further threat to their rights. They refused to recognize that the federal government had any authority over their fishery, arguing that they were fishing to support their families, as outlined in the treaties and affirmed by the Marshall decision.

This same mid-October weekend, the West Nova Fishermen’s Coalition (representing fishers in one region of Nova Scotia) filed a motion at the Supreme Court for a rehearing and stay of Marshall. As an intervener in the original case, the Coalition felt that the decision of the court was having a drastic and unforeseen impact upon the lobster fishery, and that the court needed to reconsider its decision in Marshall. Until that time, the Coalition argued, the Court should issue a stay of their decision in Marshall, in order to protect the fishery. While the court considered this motion, the native fishery continued. In Indian Brook N.S., non-native fishermen brought their boats into the harbour, in a protest which was also a blockade of native fishers. In Yarmouth, non-natives hauled up and destroyed native traps. In Burnt Church, the government took concrete enforcement action against native fishers. Overnight on Thursday Oct. 21, and

well into the day on Friday, a fleet of government boats, including Coast Guard cutters and DFO enforcement vehicles, worked in the bay destroying the traps of the native fishery. A DFO spokesman said that to maintain “an orderly and regulated fishery... We removed what was in excess [i.e. excess traps]. We are satisfied that there are no more than 600 in the water now” (Canadian Press, 1999b). The anger and tension in the Burnt Church First Nation only rose with this decision of the government, whom they saw as acting, yet again, against Marshall, denying historic rights and defying the rule of law as laid out by their own courts.

In Yarmouth, remarkably, the situation shifted away from violence. The fishermen’s unions had thrown up their hands at the governments management of the situation, saying publicly that they would do better making a deal with the native fishers themselves. Behind the scenes, non-native fishers had approached Chief Deborah Robinson, proposing that native fishers should join them and that they would fish together in the commercial season, which opened in the late fall. The people of Acadia First Nation accepted, and entered into an unwritten trial agreement with their non-native neighbours. The flotilla in Yarmouth harbour broke up, and a tenuous and positive new attempt at local co-operation was begun.

At the end of October, native fishers in Burnt Church and in Indian Brook began to remove their traps. It was the end of their season. Yet even at this point, the battle of rhetoric continued. The government used the media to commend native fishers for complying with their deadline to end the season. Native spokespeople said they would manage to make that deadline, mainly because it coincided with the one that their

communities had already imposed. Each group continued to recognize only its own authority.

## **Marshall II**

On Nov. 17, after all of the traps had been pulled, and the immediate tensions were lessening, the Supreme Court of Canada issued a “clarification” of the Marshall decision. The court denied the West Nova Fishermen’s Association’s motion for a rehearing and a stay. With that denial, in an unusual move for the court, they issued a 39 page “clarification” of this dismissal and their earlier ruling.<sup>2</sup> In part, the court said that the

...acquittal [of Donald Marshall Jr.] cannot be generalized to a declaration that licensing restrictions or closed seasons can never be imposed as part of the government’s regulation of the Mi’kmaq limited commercial “right to fish”. ...

The federal and provincial governments have the authority within their respective legislative fields to regulate the exercise of a treaty right where justified on conservation or other grounds. ... The paramount regulatory objective is conservation and responsibility for it is placed squarely on the minister responsible and not on the aboriginal or non-aboriginal users of the resource. The regulatory authority extends to other compelling and substantial public objectives which may include economic and regional fairness, and recognition of the historical reliance upon, and participation in, the fishery by non-aboriginal groups. Aboriginal people are entitled to be consulted about limitations on the exercise of treaty and aboriginal rights. The Minister has available for regulatory purposes the full range of resource management tools and techniques, provided their use to limit the exercise of a treaty right can be justified on conservation or other grounds. (R. v. Marshall, Nov. 17 1999, 3-4)

At the time, the CBC characterized the decision of the court as one that “limits Marshall”, as did the Government of New Brunswick and other parties (CBC 1999). As such, New Brunswick welcomed the decision, and the CBC suggested that the position of the governments as they enter into further negotiation was “one of strength” (1999). Native

---

<sup>2</sup> This clarification was an unusual step as all denials of hearing by the Supreme Court are usually issued without comment or justification. For the Court to deny *and* clarify simultaneously was an unheard of occurrence.

leaders were much less positive about the implications of this decision. Sheldon Cardinal, a specialist in treaty law at St. Thomas University, was surprised at the detailed “clarification” issued by the court. “It is very disappointing to have this happen, to have the courts have an intervenor who had no business bringing this sort of issue to court and have them say no, but we're going to rule on it anyway and somehow limit the treaty right even more” (CBC 1999). In Nova Scotia, Chief Lawrence Paul said

I'm flabbergasted on it. Why would the Supreme Court of Canada cave in to vigilante and mob rule, and people taking the law into their own hands, destroying public property? What message are they sending out here to the Canadian people? ...we are not going to get the justice we so desperately strive for unless our treaties are interpreted by an international court that's neutral. We'll never achieve that. We may get piece-meal justice, but we will never get the justice we really think we should have by the virtue of our treaties. (CBC 1999b)

The clarification came after fishers in Burnt Church and Indian Brook had removed their traps, and those in Acadia and Yarmouth had agreed to fish together. Winter was well on its way. For a few months, the waters were quiet. The activity was in government hearing rooms, as the federal government's Fisheries Committee tried to parse out the meaning of Marshall, and at the negotiating table, where native leaders and fisheries negotiators were trying to come to an agreement before spring.

## **2000**

The year 2000 did not bring any significant new directions or possibilities in the conflict. In fact, the events of this year represent a further polarization of the parties, and an entrenchment of the conflict as a prolonged and violent situation. By the end of the year native boats had been rammed and capsized on the waters, shots had been fired on at least three separate occasions, the mediator agreed on by native and federal leaders had

quit and left the community, and the attention of international media and activists remained focused on Burnt Church. The media reports and government statements of this year reflect not only this overall increase in tension, but also the innumerable specific incidents, encounters and altercations that combined to create this entangled conflict.

In the lead up to the spring fishery of 2000, the federal government and the leadership of the Burnt Church First Nation were finally engaged in negotiations. The negotiations themselves were troubled – Mi'kmaq leaders continued to say that they did not need the permission of the federal government in order to fish, and Herb Dhaliwal, the Minister of Fisheries and Oceans, continued to make statements to the media that no matter what, the issue would be resolved by the start of the spring fishery. On the 15<sup>th</sup> of March, negotiators for the First Nation walked away from the negotiating table, saying that the community would be better off developing its own plan to manage the fishery. The band hired two community members to undertake this task, and the “Draft for EFN [Esgenoôpetitj First Nation] Fishery Act” (Ward & Augustine 2000) was complete by the time that the regular commercial season opened at the end of April.

After the collapse of the negotiations, more and more people from outside of the local native and non-native communities became involved. Members of the Christian Peacemaker Teams, a faith-based solidarity group, announced that they would be present in Esgenoôpetitj during the 2000 fishing seasons.<sup>3</sup> They arrived in the community in early April, in preparation for the opening of the spring fishery. The RCMP, the DFO and the Coast Guard all had forces moving into Miramichi Bay and the communities of Burnt Church; natives from other First Nations were preparing to travel into the community to

---

<sup>3</sup> CPT has become well known in Canada more recently because of the kidnapping of James Loney and three others in Iraq. At the time of the Burnt Church dispute the work of CPT was less publicly known, though they had worked in Canada and internationally in situations of conflict.

support native fishers, and the Aboriginal Rights Coalition – Atlantic was preparing to send its own trained “Observer Teams” to witness the fishery. Reporters, cameramen and news trucks took up residence along the shore, lenses pointed to the water. Burnt Church was about to become a very busy place, once again.

The spring commercial fishery opened on Friday April 28, 2000. The media coverage of the first days of the season characterized it as peaceful; the few native fishers who entered at the opening of the season were, like their non-native counterparts, fishing under federal licences, marking their traps with tags issued by the Department of Fisheries and Oceans. Tensions started to rise, however, when the First Nation prepared to issue its own tags, as indicated in the EFN Management Plan. By the weekend of May 7th, the First Nation was issuing its own tags for the fishery, and native fishers began to set traps in Miramichi Bay using these tags. The DFO responded by seizing any traps that did not sport DFO tags. As the first few of these native traps were set, the Canadian Press reported that the DFO hauled them out right away (2000). Native fishers continued to set small numbers of traps, to assert their right to fish under their management plan.

During the week that followed, a coalition of regional and national environmental and social justice groups issued a public statement exhorting the federal government to recognise the legitimacy of the native tags. Native fishers continued to attempt to fish, most using EFN tags. The government escalated its enforcement, removing traps in early morning hours, before daylight. Native Rangers (fisheries enforcement officers) and Warriors met the government boats in boats of their own, in attempts to protect their traps. A Christian Peacemaker Teams member describes one of these late June raids:

At 5:00am Friday, June 23, three DFO boats entered the fishing grounds directly off the coast of the Esngenopetitj First Nation (EFN). The community responded quickly and

elected to remain on the shore instead of sending out dories to meet the DFO, as they had in the past. This was the tenth day in the last twelve that DFO has been in these waters. The officers quickly swept the area, picking up ten traps marked with the EFN tags. (Kindy 2000)

These “raids” continued, and the presence of policing agencies such as the DFO and RCMP in the community (on land) increased. As the spring fishery drew to a close, the levels of frustration and confrontation were quite high amongst all players. Dhaliwal and the chiefs were refusing to meet with one another, each blaming the other for the lack of negotiations.

Over the next two months, some talks did get started between the two governments. In early August, the band rejected a federal government settlement offer (reportedly valued at \$2.5 million) in a community referendum. Soon after, the band started its fall fishery, at the time of the traditional food fishery, regulated by the EFN Management Plan. The beginning of this fishery was accompanied by threats and intimidation all round:

The Department of Fisheries has said it has as many as 600 officers on standby, ready to enforce the law if anyone tries fishing without licences and federally issued tags. The band, meanwhile, has said its own reinforcements are only a phone call away, including warriors who are not easily intimidated. "We have a lot of young men who are more than willing to get together and protect our traps," [James] Ward [a band member] told CBC News on Thursday. (CBC 2000)

By Aug. 14 the confrontations between the DFO and native fishers had escalated on the waters, and First Nations people erected barricades and set bonfires at the boundaries of their community in protest. DFO officers removed native traps, and arrested native fishers for fishing illegally. Native fishers told reporters that DFO officers confronting them on the waters had pointed guns at them, which the DFO denied. As the violence between these groups exploded, photographers and cameramen captured images of the

conflict which they broadcast to national and international media. One of the pivotal and symbolic images of this period was taken by a Canadian Press photographer who captured the sinking of a native dory by a DFO boat, and the resulting scramble of native fishers to rescue the sunken men before they were overrun by the government boat (Canadian Press, Morris 2000). It was run accompanying the headline “Ottawa Flotilla Sinks Native Boats” (Canadian Press, Morris 2000). These violent encounters on the waters continued for the rest of the season. The DFO, RCMP and Coast Guard insisted that they were simply trying to enforce fisheries regulations by removing traps, confiscating boats and equipment and arresting people who were fishing illegally. Members of the First Nation, along with Christian Peacemaker Teams members and Aboriginal Rights Coalition Observers, accused them of ramming and sinking native fishing dories, pointing guns at unarmed fishers, and endangering the lives of people who were simply exercising their traditional rights, as recognized by the Supreme Court in Marshall.

In September, the Canadian and Esgenoôpetitj governments agreed to the appointment of Bob Rae, former Premier of the province of Ontario, as a mediator in the dispute. Rae arrived in the community to try and work out a deal in a more relaxed climate, as Dhaliwal was reported to have dropped his demand that the First Nations stop fishing immediately. Before negotiations could progress, however, the DFO conducted a large raid on waters lying far out from the community. Fourteen people were arrested, and many boats were seized. Nine days after his appointment as mediator, Bob Rae left the community, saying there was nothing more he could accomplish. There was no deal, and no resolution to the conflict which was now raging out of control. In a public

statement released by the DFO, Herb Dhaliwal expressed his regret at the departure of Rae, and argued that the DFO had been almost overly flexible in its accommodation of demands from the EFN.

Mr. Rae is an eminent Canadian who brought great experience and sensitivity to this situation. And if he was unable to bring about a resolution acceptable to all parties, I think it is clear that the situation we are facing is a difficult one. (Department of Fisheries and Oceans 2000)

But Rae had not made a good impression in Esgenoôpetitj. Writing for the CBC, Fenton Somerville describes his own reaction at Rae's first community meeting as moderator:

To tell you the truth, I was not impressed. He sat there and scratched his head a lot and really did not appear to say much, while the native leaders stated their case. At first, I thought he was listening as a mediator should, but it was the manner in which he listened that made me think. He looked weary and, to put it bluntly, bored. I thought at first that it might be jet lag or the boat tour he took of the bay earlier that afternoon, but no. I sensed he was forced into this situation against his better judgement. It seemed like his heart was not in it. It's just not what I pictured a mediation process to be. (Somerville 2000)

After Rae's departure, Dhaliwal ordered that all native traps must be removed from Miramichi Bay, and his department undertook significant enforcement action, including daylight "raids". Warriors attempted to defend the native fishery, driving off DFO boats and chasing away fisheries officers. In one case, it was reported that shots were fired by First Nations people on shore towards DFO vessels. These chases back and forth on the waters, the threats from both sides, and the efforts of natives to fish and of the DFO to prevent the native fishery continued, dominating the headlines, until the 7<sup>th</sup> of October when the EFN closed its lobster season. Throughout 2000, Mi'kmaq fishers in Indian Brook had also continued to fish without an agreement with the federal government, but the violence and the related media and government attention were focused in and on Burnt Church. By the end of the season, the international media were reporting on the situation, and stories appeared in the US, Japan, and around the world. As winter

approached, people looked back on a year of high drama, and wondered what was coming next.

## **2001**

2001 was characterized by a consolidation of the existing positions – the government enacted more policies and processes to entrench its position in practice, and to convey it to the public, and the people of Burnt Church continued to refuse to sign a formal agreement. Overall, there was much less violence reported from Burnt Church in 2001, and with the waning of the violence, media interest also waned.

The DFO and its government partners took three steps regarding the native fishery in the early spring of 2001, positioning themselves carefully after the events of 2000. In February, Dhaliwal and Robert Nault, the Minister of Indian Affairs and Northern Development jointly announced a two-pronged approach to Marshall. In the fishery, Dhaliwal and the Department of Fisheries and Oceans would continue to negotiate agreements with individual First Nations, in an effort to calm the crisis. To address the underlying treaty issues, Nault and the Department of Indian Affairs began a process of renegotiation of aboriginal and treaty rights in the Maritimes. Thomas Molloy was appointed as the Chief Federal Negotiator, and this process (still ongoing) became known as the Molloy process. In early March, the DFO delayed the decommissioning of three Coast Guard vessels in the Atlantic region, so that they would be available for enforcement and action in Miramichi Bay, should they be needed. Throughout this time, the DFO had also been attempting to negotiate fishery access agreements with native communities throughout the Maritimes. In April, the DFO and Native leaders were able

to announce that they had been able to agree upon the language for a “template agreement”, which would then be used as the foundation for individual agreements across the region.

Within the Burnt Church First Nation, band council politics became increasingly important, as the federal government engaged with the chief and council on local governance issues. On March 13<sup>th</sup>, the Department of Indian Affairs announced that Deloitte and Touche, an accounting firm, had been appointed to come into the community as a “third party” to monitor the band’s accounts and finances. In reports, Indian Affairs insisted that bringing in “third party” had nothing to do with the ongoing fishery issues within the community, but members of the First Nation and the band council specifically refuted that claim. Brian Bartibogue and Karen Somerville, both prominent figures in the First Nation, suggested that the presence of a third party was “payback” from the government for the international embarrassment they suffered from the release of images of their conflicts on the waters with native fishers (Mofina, 2001). The spring fishery itself was peaceful, as only those fishers with federal commercial licences entered the commercial fishery.

Entry into the fall fishery was slightly delayed, while the Burnt Church First Nation held its band council elections.<sup>4</sup> One day after native fishers entered the fishery, the DFO announced that it was granting them an 8-day licence to fish for traditional and ceremonial purposes, largely to catch lobster for the annual powwow, they implied. Native fishers and activists argued publicly that the presence or absence of the federal licence made no difference in their ability to fish. The difference it made was to the DFO

---

<sup>4</sup> Leo Bartibogue, a dispute leader who stood for the position of chief, was not elected. Power was consolidated in the hands of long-standing chief Wilbur Dedam and his slate of councillors.

– since the native fishery was happening under a federal licence, the DFO could argue that it was unnecessary to take the kind of aggressive and violent enforcement action that they had carried out a year earlier. Non-native fishers in the region did not necessarily concur with the DFO’s position, and a flotilla of Acadian boats gathered in the waters off of Burnt Church after sunset one night. In response, native activists again blockaded roads into and through their community. The RCMP continued to monitor the situation. “The police waited until dawn to check on the Mi’kmaq traps, and see if any had been damaged....The RCMP have extra officers in the area, watching for trouble from down the road [non-native communities]” (CBC, 2001).

While the conflict simmered, the DFO was again attempting to get the members of the Burnt Church First Nation to sign a fishery agreement. Again, the DFO was attempting to bring the native fishers into their regulatory framework, and again the Burnt Church community insisted that they had the right to fish under their own regulations and conservation plan, according to the treaties. The First Nation rejected the DFO offer and vowed to continue fishing. Faced with a continuing conflict, and the possibility of escalating violence as happened in the previous two seasons, the DFO chose the same strategy that it had used eight days before. It granted a six-week extension to the eight-day licence it had previously given native fishers, which meant that the native fishery continued to be legal in the eyes of the DFO, even if native fishers had not applied for and did not recognize the necessity of this licence.

While tensions remained high throughout the rest of the 2001 fall fishing season, the level of violence in the communities did not approach that of the year 2000. On Sept. 11, 2001, in the midst of the fall fishery, the World Trade Centre was bombed in New York

City. As the fishing season of 2001 drew to a close, the attention of Canadians was no longer focused on Burnt Church, but on New York City, the United States, and Al-Qaeda. The events of Sept. 11, 2001 changed the federal government's approach to policing and protest significantly. Some native leaders and protestors say that at this time they began to be called "terrorists" by some government and media; this coincided with increasing government powers of seizure and arrest, and huge public sensitivity to this rhetoric. Leaders who saw themselves as loyal community activists found themselves under an exponentially increasing threat. How this specifically affected the events of the rest of that fall, and of the following year, is unclear. It seems likely that they added to the burden of the people of Esgenoôpetitj, began to shift the tenor of debate by casting native protesters as extremists, and added to the threat natives perceived from the Canadian government as the powers available to the government broadened and increased.

## 2002

In January 2002, the Department of Fisheries and Oceans asked Chief Roger J. Augustine (Mi'kmaq) and Mr. Justice Guy A. Richard to undertake the "Miramichi Bay Community Relations Panel." The Panel heard from English, Mi'kmaq and Acadian communities involved in the Burnt Church dispute, and reported to the government about the current state of affairs and possible avenues for action. Their final report was released on April 9, 2002. As well as a comprehensive reflection upon what they had heard from community members, the Panel made 12 recommendations. The key recommendations were summarized in the media:

- drop all charges arising from the confrontations
- compensate fishermen who lost traps or boats

- bar native fishermen from fishing in the fall, when non-natives are not allowed to fish, giving both groups the same season
- have native fishermen fish under a Fisheries Department licence, distributed by the band. (CBC 2002)

The spring commercial fishery continued, apparently without incident. As at the end of the 2001 season, media attention seemed largely to have focused elsewhere, perhaps because there were few new confrontations in the waters of the Miramichi, and perhaps because the aftermath of the World Trade Centre bombings continued to draw so much media attention.

On August 1<sup>st</sup> 2002, the Government of Canada's new Fisheries Minister, Robert Thibault, and the Burnt Church First Nation announced that they had reached an "Agreement-in-Principle" which would govern the fishery in Burnt Church. Native leaders agreed that the fishers in their community would participate in the spring commercial fishery, and a fall fishery for food and ceremonial purposes, both under the regulation of Fisheries and Oceans Canada. In return, the government provided the community with commercial licences, boats to fish these licences, training for fishers and funding for fisheries officers from within the community, as well as some money to fund studies of the lobster populations. The primary concerns addressed by this agreement were access to, and governance of, the regulated commercial fishery, and of the traditional and ceremonial fishery; responsibility for the management of lobster populations was clearly agreed to be in the hands of the Canadian government. Within days, the Christian Peacemaker Teams announced that they would not be returning to the community that year, as the agreement had been signed. Other groups, such as the Aboriginal Rights Coalition Observers, and Warriors from other First Nations, also did not return to the community for the fall season. The conflict had subsided, a temporary

agreement had been signed, and the attention of the national and international media focused on other issues.

The regional newspaper, the *Telegraph Journal*, returned to Burnt Church late that summer for one final report. Their reporter characterized the community of Esngenôpetitj as one divided and exhausted, where many were glad that there was an end to the confrontation, but few trusted that the resources that came into the community from the Agreement would reach the people in a meaningful way (Klager, 2002). The reporter repeated the “hearsay” that the chief and council had lost the confidence of the community, corrupt and driven by greed rather than by the will of the people. Roger Augustine, one of the members of the Community Relations Panel, commented: “I fail to see how this money is going to be able to stabilize a whole community when it's only a small portion of what all communities need and want at this time” (Klager, 2002). The spokesperson for the Maritime Fishermen’s Union was much more optimistic. “There is a real hope and a real desire among fishing communities in the area - and, I think, in Burnt Church - to turn a new page and get beyond this. ...People want to get to a better place” (Klager, 2002).

### **Interrogating the public history of the dispute**

Towards the end of the dispute, a DFO official commented to the CBC that “Perhaps it never really was about fish” (CBC, 2002). To the philosophically-minded

outsider, this certainly seems a case of taking three years to state the obvious. As an interested graduate student, it seemed to me that this was the critical question – if the dispute was not really “about fish”, then what was it about? Why did the conflict erupt so violently? Why were people willing to take such high personal risks to fish, in the face of such vehement (and sometimes violent) opposition? How could it happen that people who are neighbours could sustain such a prolonged conflict with one another? And why was it that the Canadian government, rather than helping to bring resolution to the conflict, inflamed and exacerbated it over so many years? In the next chapter, the importance of place, not only as philosophical notion, but as a way of understanding Burnt Church, will be explored. Understanding people as inseparable from their places is not only important in understanding the communities of Burnt Church, it is also important in understanding the fundamental crux of the dispute in Burnt Church. Whose place is it? Whose voice and history counts? In Chapter 3, sovereignty and nationalism will be explored as key themes of this discourse. In Chapter 4, the role of conservation discourse in the dispute and in the communities will be addressed. Finally, in Chapter 5, we will turn our discussion to the role of government and Canadian activists in the dispute. Can policies and bureaucracies attend to people’ conflicting but deeply-rooted belief systems and senses of place? Though they did not appear to do so in the Burnt Church dispute, perhaps there are ways that this might be different in the future.

The story of Burnt Church and the conflict of the native fishery are historic issues now for Canadians, not ongoing ones. On the rare occasions when Burnt Church is raised in the national media or in political debate, it is as an example of something that happened in the past and is over, often as a part of a list that includes Oka and Ipperwash,

other key conflicts between native people and Canadian government in the late twentieth century. But for the people in the communities of Burnt Church, the ones who did not leave at the end of the dispute, life moves on in a different way. These stories, though in the recent past, are a part of what it means to live at the north-eastern edge of Miramichi Bay, and the issues which were raised during the dispute remain present for locals, even if the rest of us have moved on to the “next big thing”. This exploration of the dispute will be focused on the two communities at the heart of the conflict, the communities of Burnt Church (English) and Esgenoôpetitj, the Burnt Church First Nation. While the First Nation and the English settler community of Burnt Church share a name, and exist side-by-side on the same small peninsula in Miramichi Bay, in practice they are very separate communities. The field research conducted for this study focused on the lives of people in these two communities, with the intent of gaining some understanding of local views of the dispute in its aftermath, and the ways that local practices reinforced and challenged these views. These communities share a name, and a location. They are neighbours of longstanding, who know one another well and yet not at all. These are the people who lived through the dispute, who opened their doors every morning to violence and surveillance, who stayed up all night in their living rooms, protecting their families. Unpacking the relationships between and within these two communities, their conflicts and their common values, will provide some insight into what the dispute “really was about.”

This focus on the experience of the dispute in the two communities of Burnt Church leaves many views unexplored.<sup>5</sup> The Burnt Church peninsula lies at the south end of the

---

<sup>5</sup> This project retained its focus in the Burnt Churches, with one exception. Members of the Aboriginal Rights Coalition – Atlantic, including people who had been in Burnt Church as Observers during the

Acadian peninsula, surrounded by French-speaking communities and peoples. The stories of the local Acadians are generally not a part of this study, because of the practical constraints of including a third, separate community in my fieldwork.<sup>6</sup> That said, understanding the Acadian role in local business, language, religion and politics is important in developing the local picture of the dispute; this will be explored in greater depth as part of the discussion of place in Chapter 2. Government bureaucrats, scientists and fisheries officers, and the RCMP, are also not participants in this study. This is largely because issues of trust and safety remain critical for local people in Burnt Church, particularly those in the First Nation. Building a research relationship with government agencies or officials could have cast this project in the same light as those failed mediations, and would have profoundly shifted my relationships with local people. This does not, of course, prevent gathering insight into the activities and motivations of the government, based on the experiences of local people and on the government's public documents, reports and transcripts. Reflection on these elements will be a part of the focus of the fifth chapter of this work.

---

dispute, participated in this project. This was partly because there were local people in both Burnt Churches who had worked with ARC-A during or preceding the dispute. My participant-observation in ARC-A, and interviews with members of the Observer Project, formed a very rich vein in my fieldwork, and are now intended largely for a separate project rather than as a part of this dissertation. This project focuses on bringing to light and exploring local experiences of the dispute in the Mi'kmaq and English communities of Burnt Church.

<sup>6</sup> There was simply not enough time to carry out ethnographic work in the Acadian community at the same level that it was being carried out in the English and Mi'kmaq communities.

## Methodology

Engaging in research with aboriginal people, as a non-aboriginal person, is a challenging and delicate process, within the academy, and within aboriginal communities. Historically, most academic researchers have carried out work in aboriginal communities exclusively for the benefit and advancement of themselves, with little regard for the needs and interests of aboriginal people themselves. “You anthropologists come in and get what you want then leave. We’re still here, and never seem to get anything back in return” (in Richer, 1988:414). In many cases, the bodies, places, and sacred knowledge of peoples were used for research in abusive and harmful ways. In others, the stories and history shared with researchers became unrecognizable by the time they were published; our academically “credible” sources are often known to be not only useless but harmful to those who find themselves the unlucky subjects of these articles. For Maya activist and academic Sam Colop, the problem of academics evading their responsibilities to the communities in which they work, particularly in indigenous communities, is insidious. He summarizes the issues as follows:

1. Foreign [i.e. non-Maya] scholars who do not consult with the community where they are going to work about their projects and who rarely present a final report of the study to the community.
2. The existence of a large body of knowledge about the sociocultural history of Maya communities gathered and compiled by foreigners that is not available to them, leaving local communities ignorant of what foreign scholars have said about their language, culture, or community.
3. Some foreigners who hide religious or proselytizing agendas behind their academic status and who interfere in Maya decision making and others who by not opposing these actions seem to approve them.
4. Foreign researchers who seem only concerned with fulfilling their university or institutional requirements or with gathering data for publication and who take the service of the community for granted. (Luis Enrique Sam Colop 1990 in Warren 1998: 82)

In this context, many challenges arise for those of us in the academy who want to understand the relationship between aboriginal people and settlers in Canada. How can one carry out academic research with native peoples in justice and fairness? Is this even possible, especially for non-native researchers? In Canada, the Report of the Royal Commission on Aboriginal Peoples lays out some principles for academic research with native people but this report, and other federal statements,<sup>7</sup> outline the minimum of what is required. Aboriginal activists and academics, and non-aboriginal academics who have worked collaboratively with aboriginals on projects, continue to argue for the importance of collaboration, a sense of limitation, respect and guidance in academic research. Some investigate the nature of indigenous/non-indigenous relationships by examining non-indigenous culture and history (e.g. Menzies 1994, Freeman 2002). Many aboriginal communities have developed their own ethics review processes for researchers who want to work within their communities, as a way of ensuring that the needs and standards of the local community are being upheld (Armitage & Ashini 1998). In Mi'kmaq territory, the Mi'kmaq Grand Council (a traditional form of government) carries out its own review of all research projects in Mi'kmaq communities.<sup>8</sup>

In order to carry out this project, I moved with my partner to Burnt Church in July 2004, and lived there for 12 months. To explore underlying questions of the dispute, I was interested in the social, political and religious dimensions of people's lives in the communities at Burnt Church, as well as the attitudes and understandings of those who involved themselves in the conflict, and the historical and political construction of these

---

<sup>7</sup> Such as the "Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans" issued jointly by the three federal academic research councils. Official version available online at [http://www.pre.ethics.gc.ca/english/pdf/TCPS%20October%202005\\_E.pdf](http://www.pre.ethics.gc.ca/english/pdf/TCPS%20October%202005_E.pdf)

<sup>8</sup> Administered by the Mi'kmaq College Institute, Cape Breton University. <http://mrc.uccb.ns.ca/prinpro.html>

communities and of the conflict. The two primary research methods employed were participant observation (in the life of both communities), and depth interviews (with particular individuals).<sup>9</sup> In reflecting upon my role as a researcher, and the myriad challenges involved, I find Colop's framework of "ethical failures" particularly helpful.

*(1) lack of consultation and (2) resulting knowledge unavailable to indigenous communities:*

While I sought and followed the advice of people in the communities of Burnt Church, including consulting about written work as I produced it, it is clear that the genesis of this project was in my own research interests, rather than in the needs of the community.

Because of this, I sought guidance from and collaboration with community members on the development of the project, as it progressed. The collaborative approach requires the researcher to be flexible and open throughout the research process. In this project, the principles of collaboration became important guidelines in developing research relationships with all participants. People within both of the communities at Burnt Church have important knowledge which provided direction and illumination to the research process, and to the resulting analysis. Though these relationships were with a variety of people, with highly divergent experiences and expectations of me, collaborative principles were important in shaping my actions and enquiries in every way I could manage. In practice, collaboration in this project included the following specific actions:

---

<sup>9</sup> See the appendices for samples of statements and letters of introduction, and agreements for participant observation and interviews.

- A trip to both communities before the commencement of the project, to ensure that the project and the researcher would not be unwelcome. During and after the preliminary visit, which was hosted by members of the Wabanaki Nations Cultural Resource Centre, some members of the native community agreed to advise and guide the researcher and the project. Within the English community, advisory relationships developed more clearly over time.
- Consultation with community members about the focus and approach of the project as it developed, including the questions for depth interviews.
- Attending, where possible, every event to which I was invited, and when I was not invited, seeking and following informal advice about whether my presence would be appropriate.
- Offering to every person interviewed that they could see and respond to the specific parts of the research resulting from their interview before it was submitted to the university, if they wished. I returned to Burnt Church in June 2007 to share some of my work, and hear people's responses, in person. In order to protect the anonymity of participants during the draft stage, people read primarily the quotes and comments attributable directly to them, as they were framed in the dispute histories included in the Appendices, along with an outline of the overall dissertation. A few more interested people read entire chapters or sections of chapters, where anonymity could be preserved.

- Sharing copies of the defended dissertation with people and institutions in both communities, for their information, and for further feedback before subsequent publication of the work.

Some of the most important collaboration within this project was non-formal and relationship based. As my relationships developed with people in both Burnt Churches, they offered much in the way of informal commentary and guidance on the project. Some people also gently refused my invitation to participate in the project, which seemed a natural response after so many years of scrutiny, and as I was an outsider.<sup>10</sup> I made every effort in all of these situations to be sensitive to people's concerns and positions, and to respond to them with awareness and respect.

*(3) researchers who conceal religious or proselytizing agendas...:*

As my area of study includes the study of religion, many people, including other academics, presume that I bring a religious viewpoint to my work. This is not surprising, since historically, academic work on religion has been done by religious insiders, and most who enter indigenous communities to “talk religion” have a missionizing agenda. The study of religion is a field constituted by academic investigation into the cultural, historical, psychological and philosophical dimensions of religion. It is not theological or devotional, and is concerned precisely with understanding religion and the religious in human terms, from academic perspectives. My research into religion is from philosophical, cultural and historical perspectives. I am interested in religions as human phenomena, cultural paradigms which tell us something about the people who practice them. When representing religions in this context, it is important to describe people's

---

<sup>10</sup> I accepted any refusal to participate without question.

practices both so that they can recognize themselves, and in order to think critically about these practices and the worldviews they embody.

In my personal life, I do not practice a religion, though I left the United Church of Canada (in which I had been quite active) in my mid-twenties. This personal point, though unusual in an academic dissertation, seems an important one to make. Speaking as an academic in academic contexts, others have mistaken me for a practitioner of whatever tradition I am speaking at the moment. This is a particular challenge when exploring practices which some find troubling or challenging, such as those of charismatic Christianity, a religious practice considered in this study. By making my own academic perspective and personal history clear here, I hope to minimize or avoid some of these concerns. When discussing religion, it can happen that work is seen by critics as either too sympathetic or too judgmental. In this project, I endeavour to present descriptions that are both sympathetic and critical, as a way to get at the depth of people's lived experiences. My agenda is not theological (or, as Colop would say, latently religious), but rather concerned with the cultural and social dimensions of human values, beliefs and practices, as they relate to this environmental conflict.

*(4) researchers concerned only with their own achievements and who take the community for granted:*

When I arrived in Burnt Church in the summer of 2004, it was not clear that this project would have a successful outcome, at least in academic terms, because it was not certain that it would be well-received by the communities involved. Speaking with people about me and my project then became my first task. I was fortunate to be welcomed by a

number of people in each community quite warmly, if somewhat warily. This dissertation is certainly an academic project, in a style and framework designed to serve my own ends (i.e. a completed Ph.D.). I intend that it will also serve as the foundation of other public and academic publications about the dispute, which might go some small way towards deepening public discourse on the dispute particularly, and on settler-aboriginal relationships in Canada more generally. This tension between academic achievement and community needs is one which runs through much academic work.

I entered Burnt Church/Esgenoôpetitj as a student, newcomer and outsider – as a person who needed to be taught – in at least equal measure with my position as a researcher or professional. In English Burnt Church, some hoped that my work would finally be the way that “the whole story” got out. Others thought that nothing could really make any difference. In Esgenoôpetitj, expectations of me were never so high, nor so openly low. My trustworthiness is still being established, with these written words, and rightfully so. People shared stories and experiences with me in order to educate *me*, and because having these particular stories made more public also served their own needs or hopes. There were many stories that were *not* shared with me, and stories shared which I was asked specifically NOT to make public. This project may be the beginning of a deeper relationship, in which a future project could be generated collaboratively, rather than being carried out in a collaborative spirit, as this one was. The possible success of this project, limited as it is, is due largely to those people who took me in as teachers, mentors, friends and neighbours, because and in spite of my research agenda.

Finally, I understand the ethical discourse about research within aboriginal communities to be instructive to academics working in all settings, and I carried the

methodologies discussed above into my field work in non-native Burnt Church. Among Canadians observing the dispute, I have heard the people of English Burnt Church characterized as simply intolerant racists, “rednecks,” who took the law into their own hands. But the views and experiences of this community must not be written off so easily. If we are to understand the events and effects of the dispute in Burnt Church, we must take seriously the views and experiences of all residents, whether they seem easily sympathetic or not. Like many Canadians, the people of Burnt Church live in disputed territory. When Canadian observers of the dispute dissociate themselves from the settlers in Burnt Church, this may also serve to dissociate themselves from the challenges of their own positions as settlers. Much as academics are called upon to attend to the experiences of indigenous people in their own terms, so must we attend to non-indigenous others, such as the English residents of Burnt Church, in their own terms. This understanding of how people’s experiences hang together in their own worldviews then becomes the basis for a more critical appraisal of the challenges of the conflict.

As my research took shape, it included participant observation, conducting interviews, keeping a research journal and collecting ephemera, and was augmented by the personal archives two community members shared with me. The *participant observation* phase of the research extended throughout my entire time in Burnt Church, as I participated in life in both communities, as I was welcome, in order to understand the culture and context of life in the Burnt Churches. This included participating in public events, such as the installation of a cenotaph in the English village, or the visit of aboriginal hockey coach Ted Nolan to the First Nation, as well as involvement with

community groups. My participant observation with groups was primarily with religious organizations, as these are places in both communities where people are exploring values, beliefs, and ritual practice. In the end, I had quite a bit more informal participation in life in the English community, and participated in more organized groups in the First Nation.

The groups I was a participant observer with included:

**English Village of Burnt Church:**

*St. David's United Church* (including meetings of the United Church Women [UCW]): the local church, where many (if not most) locals are affiliated. The history of this congregation is closely tied to the history of the settler community writ large, as will be discussed in Chapter 2.

**Esgenoôpetitj/Burnt Church First Nation:**

*St. Anne's Roman Catholic Parish*: the local Mi'kmaq church on the reserve. Roman Catholicism is the form of Christianity most prevalent on the reserve. Perhaps thirty people are in church on any Sunday, though the building is full at Christmas, and more than eight young people were confirmed in the church while I was there in 2005.

*Tuesday Night (Burnt Church) Bible Study Group*: a regular Bible study group, which was led by two people from a regional Pentecostal church (in Lyttleton), with members from among the Catholic and charismatic Christian communities, including some who gave leadership during the dispute. A few non-natives attended this group over the year, including one person from the English village.

*Wednesday Night (Truck Stop) Bible Study*: a local interdenominational group, led by a woman from the local Pentecostal church (in Tabusintac), whose membership included some from the Tuesday night group, non-natives from the church in Tabusintac, and the priest from St. Anne's Parish.

*Seven Thunders Ministries*: a home and internet-based native ministry, based in the founders' desire to "maintain their [Mik'maq] traditions and culture, while being [a] Christian at the same time" (Seven Thunders Ministry 2007).

### **Regional Groups:**

*Lnapskuk Project (The Neighbours' Project):* a joint project of the Wabanaki Nations Cultural Resource Centre (Esgenôpetitj NB) and the Tatamagouche Centre of the United Church of Canada (Tatamagouche NS). Borne out of the experiences of the dispute (though they carried out little work in Burnt Church), Lnapskuk endeavoured to build relationships between native and non-native neighbours across the Maritimes.

*Aboriginal Rights Coalition – Atlantic:* This coalition of United, Roman Catholic and Mennonite church-based people and others sponsored Observer Teams in Burnt Church during the dispute, and continues to do solidarity and education work in the Maritime region. Before the dispute, membership of ARC-A included those from the native and non-native communities of Burnt Church.

In order to capture some of what was learned during this extensive period of participant observation, I kept a detailed *research journal* throughout my time in Burnt Church. In addition, I collected many kinds of *ephemera* related to community life, including church bulletins, community notices, and event programs, in my research files. These files also included *archives* from the era of the dispute that were very generously shared with me by one person in each of the two communities, and copies of the local paper, the *Miramichi Leader*, which I collected during the research period.

Finally, the research for this project included extensive interviews with a few people from each community. These interviews were designed to be open-ended, directed as much as possible by the concerns and experiences of the interviewee. The interview questions are included in the appendices of this dissertation. The people I interviewed included:

**Esgenoôpetitj/Burnt Church First Nation**

*9 people interviewed:* Dalton\*, Cindy\*, Miigama'agan, Lloyd (Kwegsi), Alana (Kl'pisun), Leo, Audrey, Barb, gkisedtanamoogk.

5 women; 4 men.

All directly involved in community action during the dispute.

1 Catholic, 4 traditionalists, 5 involved in charismatic practice, 2 with no regular religious practice.

**English Village of Burnt Church**

*9 people interviewed:* June\*, Paul\*, Matthew\*, Mark\*, Luke\*, Mary\*, Martha\*, Jake\*, Brenda.

4 women; 5 men.

7 who are fishers or else have fishers in their immediate families.

3 active United Church members, 2 nominal United Church members, 1 Presbyterian, 1 charismatic.

**Regional Groups**

*3 people interviewed:* Ron, Trudy, Norah\*.

2 women; 1 man.

2 active as Observers during the dispute; 1 active coordinating and training Observers.

1 active United Church member; 2 who characterize themselves as spiritual but not religious.

In almost all cases, the interviews themselves took well over two, and sometimes three hours. In all cases, save one, the person with whom I was speaking granted permission for me to record our conversation digitally; these recordings were then transcribed. The stories people related to me in these interviews form the basis of dissertation; my analysis of these stories is guided by my experiences as a resident and participant observer.

The outcomes of this research are not quantitative in nature, but rather include the “thick” description of qualitative methodologies, articulation of the role of unacknowledged values and beliefs, and discussion of the philosophical, social and

---

\* All names marked with an asterisk have been changed, to protect the anonymity of participants.

policy implications of worldviews and their historic role in environmental conflict. To this end, interviews were analyzed using phenomenological and narrative approaches. Phenomenology is a philosophical approach concerned with uncovering taken-for-granted values and assumptions; this is primarily done through analysis of common themes and concerns in people's stories (see, for example, Stefanovic 1994). Narrative approaches to contextualizing these results are commonly recognized ethnographic tools which allow one to situate the values of collaborators in the context of their lives and places (MacIntyre 1997, Cheney 1997, Bruner 1997). The nature and challenges of phenomenological enquiry, and what this means precisely, in the context of place, are discussed at length in the next chapter.

One great challenge of work that seeks to take seriously people's stories and experiences in their own terms is that of putting them to paper. All that I learned in Burnt Church was based on my relationships with people, and with their interest in helping me understand what had happened in their communities. Everything about my relationships, and about these stories, is lived and oral, and tied closely to the place of Burnt Church. There is much more to these relationships, and to people's lives in Burnt Church, than I will be able to capture here – and what has been captured is already limited by being taken out of its oral and relational context. That does not make it valueless. This small window into the dispute does more to approach the lives of local people, and the heart of the dispute, than almost anything in the public record. But there are many more windows into this conflict that need to be opened – some of which can only be opened by the people of Burnt Church/Esgenoôpetitj themselves. During my fieldwork, many of these

windows were opened to me by friends and neighbours, and as I wrote this dissertation, I struggled for months (years, even) with the challenge of honouring and representing their wisdom and experience appropriately. This is especially difficult within the confines of this peculiar creature, the doctoral dissertation, which is intended for a particular academic audience. Originally I had intended that the chapters that follow this one would only contain the stories of the dispute, in people's own words, from each community. The strength and tragedy of their experiences, as they shared them with me, is something that must be conveyed. But presenting people's own words, at length, in an academic work, requires a different research approach and methodology, such as that of an oral or life history. In that case, an academic works closely with one or two people over months and years, to ensure that that voice and experience are captured and conveyed on the page, in an academic manner.

In this case, presenting the combined experiences of more than 18 people and two communities is more clear and honest when I make explicit the linking threads and ideas, including my own listening, theorizing presence. The extensive, life-changing stories of the people of Burnt Church/Esgenoôpetitj are the necessary grounds of this dissertation, and they are presented within the context of my own ideas and theories, as excerpts and summaries that challenge and inform my analysis. But this analysis began from, and is really a reflection on, the larger experiences and insights of these others. So I have also retained their stories, integrated and excerpted in a longer version, as appendices of this dissertation. The appendix, or end, seems a most inappropriate place to locate the foundation of this research, but this does accord with the fairly traditional form of the academic dissertation. Creating a prolegomena of stories, though a more appropriate

reflection of the priorities of the work, would not make things clear or accessible to the reader. So I must settle with this discussion of my dissatisfaction, and with strongly encouraging – even exhorting – the reader to attend to the stories of the appendices as closely as you do to any part of this work. They are fundamental to it.

The task still remains for people in each community to write this dispute, and their larger stories, in their own words. This dissertation represents my attempt to share some of what people tried to teach me, with such grace, and patience, and challenge, during my year in Burnt Church. It is a reflection of life in Burnt Church between 24 and 36 months after the dispute subsided, in the years 2004-05. Local conceptions of place, and the importance of religion and values within these, are the focus of the next three chapters. In the fifth chapter we will return to the discussion of non-local players in the dispute introduced earlier in this chapter, to explore the importance of the mythologies and senses of place of Canadian government agencies, and Canadian activists, to the events in Burnt Church/Esgenoôpetitj. The public story of the dispute, as summarized in this chapter, is but a dim distortion of the people's motives and experiences during the years of conflict. The remainder of this dissertation aims to create a space for these other experiences, and the deeper story of the dispute, by providing a phenomenological description of the lived experiences of Burnt Church/Esgenoôpetitj residents and further discussion of how their deep-seated values and beliefs affected their interpretations and experiences of the conflict, and of their place.



moved from one community to the other because of the grey line in the road where the maintenance ended.

After a couple of days in the community, the differences in the houses on the two sides of that line also became apparent to me. The Shore Road, which runs along the edge of the Bay, is populated on the English side by large summer homes built a century ago. The Upper Road is dotted, on the English side, with older farmhouses and newer bungalows, the homes of the year-round residents nestled amongst small fields of agricultural land and forests. In Esgenoôpetitj/The Burnt Church First Nation, you largely see typical government reserve bungalows, which people have more or less tried to make their own, interspersed with a few homes that people have built themselves. After a few months in the communities, someone pointed out to me that the boundaries between the communities are also marked by red roadside posts, presumably erected by the Department of Indian Affairs in a previous era. The posts are now hidden in the overgrowth at the sides of ditches, but they remain as warnings to those who know to look for them, physical markers of the disjuncture between the two communities.

In his remarkable work *Wisdom Sits in Places* (1996), Keith Basso explores the significance of places to the life of the White Mountain Apache in present-day Arizona. He argues that “Apache constructions of place reach deeply into other cultural spheres, including conceptions of wisdom, notions of morality, politeness and tact in forms of spoken discourse, and certain conventional ways of imagining and interpreting the Apache tribal past” (1996, xv). Basso was invited by his friends and colleagues among the Western Apache to work with them in developing maps and accounts of their traditional places and place-names. His detailed conversations about place, over many

years, led him into new understandings about many dimensions of Apache life. As Basso points out above, this is because place itself shapes and is shaped by the cultural lives of people.

In Burnt Church, place is not explicitly important to outside conceptions of the dispute. The dispute seems to be about lobsters, quotas, tags and boats; at a deeper level, we might recognize that the dispute has something to do with race, power and violence, with colonization and conceptions of justice. But my conversations and relationships with people in both Burnt Churches, in which we talked about these issues in depth and at length, often seemed to lead to place. Unlike Basso, who set out to learn about place and found himself learning about many other things, I set out to learn about other things, and found myself learning about place. When I commented on this challenge to Leo, who lives in Esgenoôpetitj, he laughed and said, “Sometime you’ll figure out what matters here, eventually. If you pay attention.” This discussion of place is my attempt to go beyond the portrait of the dispute presented in the media, as summarized in the preceding chapter, to begin to understand the perspectives of local English and native residents in their own terms, and their characterizations of the events that began after the Marshall decision in 1999.

When I first visited the Burnt Church First Nation, known in Mi’kmaq as Esgenoôpetitj, one of the first people to spend time with me was Lloyd Augustine. Kwegsi, as he is known in Mi’kmaq, is the traditional chief in the community (Keptin in the Mi’kmaq Grand Council, or Sante Mawi’omi), and a carpenter. During the dispute, he worked with another community member, James Ward, to carry out a community consultation process which became the foundation for the community’s Fishery Act and

Management Plan, which Lloyd co-authored (Ward & Augustine, 2000a, 2000b). We spent many hours in his living room, surrounded by cats and dogs and children, as Lloyd tried to educate me. What was important about the dispute, for Lloyd, was how it was created through history. For him, the land on which Canada is built is not rightfully Canadian but Mi'kmaq, and has never been ceded.

*Whatever I keep from taxes and resource revenues from the Canadian government, it's actually a pittance of what rightfully belongs to me. There's no paperwork that's there where we have handed over to them the deed to what is there. ... We have always believed that what is there belongs to the Creator and cannot be sold or given up.*

*White people's anger stems from the idea that they are dealing in stolen goods. They tried to terminate or exterminate or assimilate the Indian... but their own guilt makes them realize that no matter what they do... it'll always be to their own shame. Even if they wiped us all out, the children looking at history books will always question, "Who are these people? Why did they die?"*

*"Because they thought this was their land."*

*"Why did they think that?"*

*"Because they were here first."*

For Lloyd, the heart of the conflict between First Nations people and Canadian settlers, between his people and their neighbours, is land. Land, in his sense, is not something that can be owned and parceled out. It isn't something that's value is imparted to it through labour, as John Locke believed (Locke, ed. Laslett, 1967). Land is more than labour, "what is there" is a sacred trust from the Creator, something that cannot be given up. For Lloyd, this is part of what must be understood, if one is to fully appreciate what is at stake in the dispute.

During my year in Burnt Church, I had the opportunity to participate in hosting other outsiders who, like me, came to the First Nation interested in what happened in the dispute, and in its aftermath.<sup>1</sup> At these times, a small group of people from the

---

<sup>1</sup> One of these groups was from Kairos, a Canadian ecumenical (Christian) organization interested in social justice. Kairos was hosting a visit from a Palestinian women's organization, and arranged for a delegation of women to come to Burnt Church as a part of their peace building tour of Maritime Canada. Another was

community welcomed the visitors, and shared some stories from the dispute with them, as they had done with me when I first arrived. As in my first trip to the community, this sharing of stories happened by inviting the visitors into vehicles, and escorting them around the community to see how and where the dispute had occurred. Sharing the story of the dispute was not separate from sharing the place in which it happened, even in the middle of winter. Telling the stories of the dispute, even briefly, seemed to require being on the land and at the waters' edge, in the places where these events had played out. The tours stopped on the boundary of the community, where the red posts stand; paused under the water tower, where the name of this community, Esgenoôpetitj, is written in the people's language; at the bridge over the river, where the dories are pulled up; and at the site of the sacred fire on Diggle Point, where the pow-wow takes place. The tours finished along the shore, so that visitors could see where the dories had fished during the dispute; where fishers had encountered violence with the government and their neighbours; where people stood on the shore watching and praying for their family members; where the news trucks pulled up with their satellite dishes and cellular phones. The wharf, which was occupied by members of the First Nation during the dispute, is pointed out, past the posts, in the English Burnt Church.<sup>2</sup> And then the group would typically return indoors, to someone's home, where a discussion could develop in more comfortable surroundings. The philosopher J.E. Malpas argues that "... the landscape in which we find ourselves, and through which we are defined, is [thus] as much a part of

---

a group from the Katimavik program, a youth volunteer program of the Canadian government. A group of ten young adults were living in Miramichi, and had an interest in the dispute, so I arranged a visit for them with some members of the First Nation.

<sup>2</sup> It was probably partly due to the winter cold, or other considerations, but none of these tours actually stopped at the wharf. The only stop on the English side was at my home, an established "safer" space.

what we are, of our minds, our actions, and our selves, as is the food we eat and the air we breathe” (1999, 189). As outsiders coming into Esgenoôpetitj, these people (including myself) were asking about events, about ideas and actions. Yet, in response to these overtures, place came first. What is being said, implicitly, is that the best way to understand something about the dispute is to come and see the place where it happened. Once you have seen what is there, then maybe something else can be shared; but until one has experienced the place, little of the rest of the story will make sense, as place provides the ontological context within which events, ideas and actions are embedded.

In the English community of Burnt Church, amongst the descendents of settlers, conversations about the dispute also led to conversations about place. As a part of the interview process, people were asked if there were things that they had stopped doing, because of the dispute. In the English community, nearly everyone raised the issue of safe walking in their community. Many people, especially women, take walks in the morning or evening as exercise and social time. During the dispute, people feared for their safety so greatly that many (but not all) stopped traveling the roads and lanes on foot, and stopped driving through the First Nation.

*It wasn't safe here. We couldn't even go walking. My daughter had to stop walking down the side of the road in our own community. The wharf was our wharf, part of what our community and what we built and took care of, and we couldn't go on it. It wasn't safe.*

*A lot of people, to this day, are afraid to drive through the reserve...when the fishing was going on, then I didn't, because I was afraid.*

By the time I arrived in the community, and the dispute had subsided, people had begun to walk again. Some told me that they had driven through the reserve for the first time since the dispute some two years later. And others lamented the change in the social

fabric of the community. Before the dispute, the wharf had been a place for people to congregate on warm evenings, as a part of their constitutional.

After the occupation of the wharf during the dispute, that changed. Today, it remains a place of work and busy-ness, but is rarely the destination for a stroll as it once was. Part of why this is so destabilizing for people is that they are so profoundly tied to their lands and communities in the first place. Residents of the English Burnt Church can trace their ancestors back to those who arrived in the community on the first King's Grants. They are at home in Burnt Church in a way that they can experience no other place. Yet in their own homes, they experienced the dispute as a violent and destabilizing event, one in which their neighbours asked them to be accountable for the actions of these same ancestors. The legitimacy of their settlement and their livelihoods was questioned. One woman lamented to me, "*Why do I have to pay for the sins of my forefathers?*" The English people of Burnt Church have become tied to these lands and waters on the edge of Miramichi Bay. This is their home, their place in the world.

Getting to place takes us to the heart of the dispute in the Burnt Churches. Burnt Church (English) and Esgenoôpetitj/The Burnt Church First Nation (Mi'kmaq) are paradoxical places. They are communities deeply separate and distinct, even in opposition to one another, yet shaped by a history shared for centuries. They are communities that are profoundly local and implaced, and yet the very sense of place that shapes community life is grounded in the experience or threat of displacement. Getting to place means getting to the relationships at the heart of this paradox. It requires taking into account the historic relationship that each of these communities has to place, and to one another. It suggests the importance of religion as a dimension of place in the Burnt

Churches, as an historic and contemporary factor. And it leads to an exploration of the nature of displacement, since this history and threat is central to sense of place in both communities. Burnt Church is a contested place, two communities where the tensions between people's profound and long-standing relationship to place and the profound terror of loss of place are fundamental forces constructing community, identity, and landscape.

### **Sense of Place**

"Inasmuch as *we are*, we are *in-the-world*, which means that we are always implaced. ...To exist is to exist *somewhere*, in some place." (Stefanovic 2000, 103)

In *Domicide: The Global Destruction of Home*, Porteous and Smith argue that the destruction of home is a "special trauma", because the victims themselves survive, though purposely and forcibly removed from the places in which their lives have meaning and definition (2001). Edward Casey points out that "To say, "I have no place to go," is to admit to a desperate circumstance" (1993, xii). Perhaps the dispute was, at a very real level, an expression of a desperate circumstance, for the people of both Burnt Churches are facing displacement, to the extent that their being-at-home and retaining a sense of home as safe haven has been disrupted both historically and through the events of the dispute. In this context, what does it mean to have a sense of place? How is place important in the dispute? In Burnt Church, the conflict is *about* place, in a fundamental way. Using the notion of place here is not a convenient philosophical move, but a direct result of doing philosophy "in the midst of things" (Malpas, 1999). Place binds together community, landscape and history. Place is the ontological ground of experience. Place challenges us to develop a located, dialogical ethic which is open to the contradictions of

contested experience. Perhaps because relationship to place is so fundamental, place itself can become invisible to us, as the taken-for-granted context of our entire field of experience.<sup>3</sup> In practice, in the midst of things, place reveals itself between communities and landscape, as each inscribes itself upon the other.

Within the academy, scholars concerned with place come from many disciplines, most notably philosophy (e.g. Frodeman 2005, Casey 1993, Stefanovic 2000), anthropology (e.g. Basso 1996, Ingold 2003 in Roepstorff et al, Hornborg 2003 in Roepstorff et al), and geography (Kunstler 1993, Tuan 1974). Much of this exploration of place has been prompted by concern with the increasing uniformity of modern lives and landscapes, where attachments to the particular are homogenized (Frodeman 2005). In “The Geography of Nowhere,” for example, Kunstler explores the erasure of difference in our relationships to landscape and place (1993). These concerns with dislocation, homelessness and displacement are key features of the interdisciplinary conversation on place. This is illustrated by Mugerauer’s *Interpretations on Behalf of Place: Environmental Displacements and Alternative Responses* (1994), a philosophical and interdisciplinary exploration of place and dwelling, and in Casey’s influential *Getting Back Into Place* (1993), in which experiences of displacement become important in illustrating the meaning of place and dwelling. Study of place is, on the one hand, an effort to understand and address the particularity of the human experience, the construction of identity and “sense of place” through the inescapable fact of our location in particular landscapes.

Scholarly attention to the concept of place goes further than concern with displacement. The study of place, or “topical approaches to knowledge”, as Frodeman

---

<sup>3</sup> See Malpas and Casey for further discussion of this point.

has characterized it (2005, 1409-10), is also part of the larger critique of the nature of knowledge as it is produced in the isolated academic disciplines. As an alternative to the reductive, analytic approach so often taken in academic knowledge production, place-based studies also seek “to retain a sense of the whole, seeking to understand the relation between and across the disciplines in a particular place. ...One can view a topical approach as stripping the pretensions from types of knowledge that claim to escape the skein of interpretation” (Frodeman 2005, 1410). This approach is particularly significant in environmental studies, where so many issues revolve around the complexities of interrelationship. Ingrid Stefanovic demonstrates this in her exploration of the notion of sustainable development, *Safeguarding Our Common Future*, in which she argues for a phenomenological and place-based approach to sustainability, as more grounded and originative (2000). This focus on interdisciplinary, holistic or originative approaches does not preclude exploring place deeply within particular disciplines; Basso’s *Wisdom Sits in Places* (1996) (anthropology) and Malpas’ *Place and Experience* (1999) (philosophy) are excellent examples of disciplinary works on place which also recognize the fundamentally interdisciplinary nature of place. In *Burnt Church/Esgenoôpetitj*, where place is clearly important, where displacement is a critical issue, and where the many concerns expressed by local residents in the dispute cut across the academic disciplines, thinking in terms of place deepens our understanding of the community and the dispute, and, as Frodeman suggests, may increase this study’s “relevance to people’s lives” (2005, 1411).

Human beings, living in the world, are shaped by the geographies and locations in which they find themselves. Living on an open prairie, in urban slums, high-end high

risers, or at the edge of a northern ocean will certainly have an effect on people's ways of life and perhaps even on their worldviews. But the importance of place is not simply that we humans live in places and that they shape us; place is more than just geography. Thomas Malpas argues that "the human life is essentially a life of location, of self-identity as a matter of identity found in place, and of places themselves as somehow suffused with the "human"..."(1999, 6). Place is not simply something that we encounter as a part of our lived experience, it is "integral to the very structure and possibility of experience" (1999, 32). Place is a way of understanding the web of interrelationships between humans and landscape that shapes both humans and the landscape through time. In this context, place is not simply something that is socially constructed, and not simply spatial or geographic (1999, 28-30). The existence of the social *requires* place (1999, 36), and just as specific places shape the social lives of the communities within them, these communities shape the places in which they find themselves. In some sense, place is the confluence of the geographic, the ontological and the social as the necessary grounds in which our identities and histories arise. Part of this discussion will then be to articulate something of Burnt Church, to develop a sense of history and identity there, as dimensions of place.

Place helps us to attend to the social and environmental relationships that *are there* in communities, in their myriad of difference. It requires us to take seriously people's moral positions in and of themselves,

...by opening a space for communication of values, and for illumining implicit paradigms that drive a community's very sense of place. Ethics becomes a *dialogical* challenge, rather than a theoretical challenge, to discern a moral order that implicitly instructs a society through its culture, its historical tradition, and the geographical place within which it is situated. (Stefanovic 2000, 129).

According to Stefanovic, a place-based ethic is attentive and open to the narratives of people, in their own locations. These narratives will be contradictory and contested, but will point us some way toward, at least, understanding what is critical in people's conceptions of the good. The challenge of understanding place, as the ontological grounds within which people develop their notions of the good, becomes historical, philosophical and anthropological.

In Burnt Church, two communities live in opposition, and at the same time, in relationship, bound by their differences on areas of common concern. The experience of colonization reinforced difference and separation between the two communities, as they lived different experiences of the same process. Common location – rural, northern, implaced – creates some similar concerns and values for both groups. While these communities find themselves on different sides of many issues, their concerns and priorities are similar: governance, resource depletion, livelihood. Attending to place requires enquiry into history and landscape, as has been shown. It also requires thoughtful, critical, analysis of narratives for converging values, needs, images, and priorities, and for places where such needs and values remain in opposition. Dialogue based upon these common and divergent concerns begins to open the way to some understanding of the human needs and values at the heart of the dispute in Burnt Church.

When exploring the importance of place, it seems tempting to suggest that what we must do is to maximize rootedness, to reclaim and strengthen the ties of specific people to specific places. But rootedness *can* come at the expense of difference, with the erection of exclusionary boundaries, and the notion that place must be preserved as a static historical form (Stefanovic 2000, 115). The call to attend to place is not a call for a

return to rootedness, to a romantic time, or a mythic tribal age. As Mick Smith has shown, “there is no a priori reason why even extreme modernist narratives do not deserve attention as examples of a world speaking through people” (Smith 2001, 8). Place is not an answer or a principle, it is a condition of being. All worldviews are bound in place. Developing a critical ethics requires attending to place, requires an articulation of how constellations of factors bind together values, practices and landscape, and a critical evaluation of what this means for those in place, both human and non-human. The notion of place is not one which calls us to a specific perfect relationship to space (or to time) as a solution to our conflicts. Attending to place requires attending to the narratives of people and landscapes “where they are at”, seeking to understand the explicit and implicit values being negotiated.

While this task is a phenomenological task, it is not so in the sense that contemporary students of religion often understand phenomenology. Certainly this project is one which attempts to get “to the things themselves!” Yet in the Study of Religion, the phenomenology of religion is a particular sub-field, guided and inspired by the work of Mircea Eliade, and perhaps William James. Implicit within their projects was the idea that one could come to know something about the “truth” at the core of all religions, through a phenomenological examination of religious traditions and practices. Bob Mugerauer characterizes Eliade as on the “hermeneutical right”, employing phenomenology to access sacred reality, which Eliade believes lost in the modern West (1994, 56-7). This effort to reclaim tradition and history is fraught with problems, including a tendency to erase and minimize difference in order to subsume many under a single spiritual principle.

In undertaking a phenomenological method, trying to get at implicit and taken-for-granted values and assumptions, one may just as easily discover difference as similarity. While the two Burnt Churches have much in common, underneath it all they are *not* the same. In the space of difference, as well as in the recognition of similarity, there is much to learn. Exploring place is not about recovering some long-lost essence of relationship, or cultural truth. That is a religious or theological task. Ours is a philosophical and anthropological task, which attends to religion as a significant historical and cultural factor.

### **A Short History of the Burnt Churches**

In the Burnt Churches, the Mi'kmaq and English communities live side-by-side, but their social and cultural lives are almost entirely separate. Neighbours from the two communities know one another, and one another's family histories, but rarely socialize or work together. They are surrounded by Acadian villages, the largest of which is Néguaac, which lies to the north. The distinctions between these three communities are strong and fast, and have held for generations. Simply by knowing a person's last name, in these communities, you would also know their language and culture (English, French, Mi'kmaq), their religion (Protestant, Catholic, traditional aboriginal), their political affiliation (Liberal or Conservative), since family ties to political parties remain strong, and perhaps even the lands on which their family lives.

When I arrived in Burnt Church, people were interested to know my last name, and who my father was, so that they could place these things about me. Since I share a last name with a local English family, there was often some interest in whether I was a

long-lost relative. Even though that was not the case, my English neighbours were not wrong to deduce that, with the last name King, I come from a lineage both English and Protestant. The fact that my partner and I came *to* Burnt Church, rather than moving *away* (as most young people have had to do, for work) also made us something of a rarity, in the English community. In the First Nation there is much more of a history of non-native missionaries, academics and “do-gooders” showing up for periods of time, and I gather that I was seen to fall into this group, for the most part.

The dynamics of relationship and estrangement between the two Burnt Churches have deep historical roots, which are also entwined with the Acadian community of Néguaac. The Mi’kmaq people of Esgenoôpetitj thrived for centuries, fishing and hunting, in communities of great numbers, before the epidemics associated with European contact of the 16<sup>th</sup> and 17<sup>th</sup> centuries. This pre-contact history is a rich and important time for Mi’kmaq people, something that Mi’kmaq community members and scholars are working to understand and to reclaim in the present day. But it is the history of contact itself, with the ongoing conflict between French, English, and Mi’kmaq, that is critical to this account of community relationships. The first contact that Mi’kmaq people of the Miramichi region had with European colonists was likely with European fishers in the mid-16<sup>th</sup> century.<sup>4</sup> In the 1620s, French traders built a post on the island of Miscou, an easy trading distance from Miramichi Bay, and about a decade later Jesuit Missionaries began to make visits to the area, some of which are documented in the *Jesuit Relations* (Basque 1991, 27). By the end of the 17<sup>th</sup> century, Récollet missionaries had built

---

<sup>4</sup> Aside from the question of contact with the Vikings, who settled in Newfoundland for a short time around the turn of the last millennium.

relationships and a mission in Esgenoôpetitj, including a church. This church gave Esgenoôpetitj its first colonial name, Pointe-à-l'Église, or Church Point.

In 1755, the Acadians were expelled from Port Royal and the surrounding settlements<sup>5</sup> by the British, one stage in the ongoing violence between the French and British over the colonies of New France. Many Acadians were sent to Louisiana; many also stayed on the Maritime coast. Of these, some moved to other settlements and embarked on transient lives, waiting for the time to return safely to their homes. Others moved north, into the coastal woods of present-day New Brunswick, seeking shelter from which to resist the British. By the winter of 1756-57, some of these Acadian resisters had arrived along the Miramichi, taking shelter in the woods, building alliances, and planning raids on the British, with the Mi'kmaq people who lived there.<sup>6</sup> The first winter that the Acadians spent in northern New Brunswick was brutal. They lived on the very edge of survival, and those who made it through only did so with the help and aid of the Mi'kmaq, who showed them how to survive in the frozen forest. Yet their attacks on British ships on the Gulf of St. Lawrence continued. In the fall of 1758, frustrated by ongoing attacks, the British General Wolfe ordered James Murray to remove the final pockets of Acadian resisters who had taken refuge on the Miramichi. Murray targeted the settlement at Esgenoôpetitj/Pointe-à-l'Église:

I therefore in the evening of the 17<sup>th</sup> in Obedience to your instructions embarked the Troops, having two Days hunted all around all around Us for the Indians and Acadians to no purpose, we however destroyed their Provisions, Wigwams, and Houses, the Church which was a very handsome one built with stone, did not escape. ...and I am persuaded that there is not now a French Man in the River Miramichi, and it will be our fault if they are ever allowed to settle there again... (Murray 1758, from Ganong 1914, in Basque 1991, pg. 55)

---

<sup>5</sup> In present-day Nova Scotia, also Mi'kmaq territory then and now.

<sup>6</sup> For a detailed account of the settlement of Néguaac, see Basque, Maurice. *Entre Baie et Péninsule: Histoire de Néguaac*, Village de Néguaac: 1991.

In fact, the Acadians, the Mi'kmaq and the Récollet missionary had all taken to the woods, where they hid successfully until the departure of the British. They returned to find their homes destroyed. The Acadian settlers eventually moved north and built the new settlement of Néguaac. By 1760, Mi'kmaq leaders signed treaties of peace and friendship with the British, treaties which became the basis of the Marshall Decision in 1999.

After a period of about thirty years, English settlers arrived, and a colony developed west of the Mi'kmaq community at the old Church Point site, now known as Burnt Church.<sup>7</sup> The settlers, who held King's Grants to their lands, were mostly Gaelic speaking Scots Presbyterians, many of whom had settled earlier in other communities on the Miramichi River. Most people who live in the village today can trace their ancestry back to those original grantees, or to two or three other English-speaking families who arrived at the same time. Some families still have the original grant papers which awarded them their land. Local historians suggest that their ancestors saw echoes of Scotland in their new home, a new place which welcomed them because it echoed the old.

These settlers took advantage of the resources available from the sea, the forests and small farms. The location was perhaps not too different than that with which they were familiar in Scotland: the incoming tides, the smell of moist air, heavy with salt and the northeast wind. They brought with them their Scottish heritage, a sense of duty, a sense of community and their religion. (Wasson & Murdoch 1999, 2)

---

<sup>7</sup> This account of the settlement of the English village of Burnt Church is based on interviews, and a history compiled by local residents Manford Wasson & Lottie Murdoch for the anniversary of St. David's United Church, Burnt Church. "St. David's United Church History" published by St. David's United Church, Burnt Church NB, 1999. Their sources included Ganong (1914) as well as local archives and popular knowledge.

Ganong (1914, cited in Wasson & Murdoch 1999) notes that although the settlers from Burnt Church were closely tied to settlers in other English communities, Burnt Church was distinguished by the absence of Loyalists and Revolutionary soldiers among the settlers. As the community grew, the next generation of descendants also took up grants, further up-river at a settlement named New Jersey. The ties between these two communities, and the strong family connections, remain to this day.

By the early twentieth century, the community of Burnt Church was prospering. The shore was lined with businesses – a store, lobster canning factory, and a small fleet of boats for inshore fishing. The Presbyterian church built by the first settlers was replaced with a larger church building, with a tower. In 1925 the congregation voted to join the union of the United Church of Canada. A one-room school was built not far from the church, and the Women's Institute raised a hall to host their meetings and many other community functions. The lobster fishery was not highly lucrative throughout most of the life of the community. Lobsters were used as fertilizer and then as food when times were tight, only becoming profitable as lobster became a luxury good over the last forty years. People supported their families by fishing a variety of stocks, including eels, oysters, herring, mackerel, and crab. Even with the upswing of the lobster fishery, the economy of the late twentieth century did not favour small fishing communities, as can be seen across the region. Independent inshore fishers in small boats were being out-competed by larger offshore enterprises, squeezed out by increasing corporate and multinational dominance in all fisheries, and finding their livelihoods jeopardized by the decreasing catches which resulted as stocks were "fished out". Eventually the factory and store closed. The tiny local credit union is the one remaining storefront in the community.

When I arrived in the summer of 2004, the English community of Burnt Church numbered about 85 persons, though the population swells for a short time every year with the arrival of the “summer people” who own cottages or visit the tourist hotel along the shore. Most year-round residents live along the Upper Road, where St. David’s United Church and the old Burnt Church School (now the Seniors Centre) are also located. The Women’s Institute Hall serves as a community centre for meetings, dances and meals. In the late spring, the wharf is a bustling place, as local fishers make the most of the lobster season. The community itself remains strong. In the year that I was there, committees of local people built a Cenotaph<sup>8</sup>, fundraised to host a Canada Day festival, raised money to maintain the community buildings, and continued to manage the public wharf and the 9-hole golf course. Life in this community is rich, grounded, and tied to this place and the stories of the early settlers. And yet, the ongoing conflict with the people of Esgenoôpetitj leaves this community on profoundly destabilized ground.

The people of the Burnt Church First Nation have survived much since the arrival of the first colonists: conflicts with the federal government, disease, and residential schools, loss of land and traditional ways of life, all of which contribute to housing shortages, lack of employment, addiction, despair and depression in more recent times. Though this community has existed for many centuries, they are still working to overcome the destabilizing effects of colonization, the arrival of their neighbours and of the Canadian government, on their community. At the turn of the last century, the community had shrunk to about 200 people, because of all these factors (Martin, unpublished paper). But by the time of my arrival in 2004, it had grown to about 1300

---

<sup>8</sup> The cenotaph recognizes the contributions of English and Mi’kmaq residents of Burnt Church. For more information, see Chapter 3.

people, many of them children. Housing and employment are huge issues for the members of this community, where the only local infrastructure is that supported by the band council. The community school stands on the shore, across from the Adult Education Centre, which also temporarily houses the Band Council.<sup>9</sup> Beside the school is a health centre, and there is a day care and early years centre as well. St. Anne's Roman Catholic Church stands beside this small complex of band council institutions, a small white wooden church maintained by community members; attended by a loyal group every week, it is full on holidays. The elected Chief runs a small grocery and gas bar out along the highway.<sup>10</sup> There is no public wharf in Esgenoôpetitj; aboriginal fishers who have fishing boats fish from the wharves in Burnt Church, Néguac, and further north at Tabusintac. Many community members still keep small dories, pulled up inside the mouth of Church River, where it meets Miramichi Bay.

The other important community space in Esgenoôpetitj is Diggle Point, the location for the community pow-wow every August. An arbour is erected there, beside the place where the fire-keeper guards the sacred fire throughout the pow-wow. During most of the year, Diggle Point is something like, but more than, a community park. And for a weekend in August, community members, friends and relatives gather there, with tents and campers, for festival and celebration. Esgenoôpetitj/The Burnt Church First Nation has many community members who are working for the revival and healing of the community. Some of these people came together to work publicly for change during the

---

<sup>9</sup> They are awaiting repairs from a fire to the Council offices while they were under construction. In the year I was there, there were no active repairs ongoing. This is likely due to lack of money for the project.

<sup>10</sup> The elected chief and council are chosen by the community; the election process and form of government regulated by the Indian Act. The traditional chief, or Keptin, is appointed by the community according to the processes and traditions of the Grand Council. During my time in Burnt Church, the elected Chief was Wilbur Dedam, and the Keptin Lloyd Augustine (Kwegsi).

dispute. Now others work quietly within their families to provide hope and support, keeping space for change.

The Acadian residents of Néguaac have built a thriving village in the long aftermath of their expulsion. For many years, Acadian people were treated as second-class citizens by a New Brunswick government dominated by English power structures. (Aboriginal people were seen as a distant third priority, behind these two other groups). After the election of the Robichaud government to the provincial legislature in 1960, and the implementation of the “Equal Opportunity Program”, designed to eliminate the disparities between English and Acadian communities across the province, the position of Acadian communities and people in the province rose dramatically. Néguaac is the local commercial centre for the Burnt Churches as well as for the Acadian community, home to the local drugstore, hardware store, lumber yard, Tim Horton’s, post office, grocery store and dépanneur (though people also travel to Miramichi regularly to the larger grocery store and the Wal-Mart). For people in both Burnt Churches, running to the corner store or for coffee means driving the 5-15 minutes to Néguaac, and some from Néguaac attend church at St. Anne’s or square dances at the Women’s Institute Hall. Lives in the Mi’kmaq, English and Acadian communities remain as they have been, separate yet intertwined.

## Religion and Place

When considering environmental conflicts, the importance of religion is often unacknowledged or faintly understood. Yet many environmental conflicts can be understood as place-based conflicts, and religion is critical to place. The importance of religion, worldviews and cosmology within the study of place has been an important theme in the anthropological literature on place. In *Wisdom Sits in Places*, Basso engages with Apache notions of place as fundamentally religious, both in the content and structure of relationship to place (1996). Key collections of anthropological discussions on place, such as Low & Lawrence-Zuniga's *The Anthropology of Space and Place: locating culture* (2003), and *Culture, Power, Place* by Gupta & Ferguson (1997), engage with religion as fundamental part of culture, identity and place making. Tim Ingold's work on the anthropology of dwelling and livelihood discusses the significance of understanding "cosmological conceptions of the earth" in this context (2000, 153), and forms a part of a fascinating new volume, *Imagining Nature: Practices of Cosmology and Identity* (Roepstorff, Bubandt & Kull, 2003) that explores the significance of nature as "simultaneously semioticized and real" (Roepstorff & Bubandt 2003, 26).

In *Burnt Church/Esgenoôpetitj*, religion is an obvious issue from the outset. In a place named *Burnt Church*, how are churches – and religion, writ large – important? Addressing place names yields insight into the importance of religion as an historic factor, mediating and shaping people and place. But religion is not just something of the past; it remains an important contemporary factor. In the face of the dispute, people try to understand the meaning of their lives, communities and situations, and this impulse, whether lived out in organized religion or in some other form, is a religious impulse. The

communal sensing and expression of place is in itself a religious exercise (Basso 2996, 145, 148), the conscious or unconscious negotiation of the grounds of existence. If we are to understand the nature of people's relationship to place, then we must consider this relationship in all its dimensions – historical, political, colonial, geographic, *religious*. The notion of place is an idea, in part, about religion and the religious.

Drawing upon the writings of Heidegger and Bachelard, Ingrid Stefanovic argues that the nature of dwelling, of human beings implaced, is that in which “the reverberation of the hidden and the revealed is fundamental... [which] resonate[s] with the interplay of presence and absence that defines human existence” (2000, 107). Place is not simply a social and geographic notion which explains how humans relate to the world in which they find themselves; it is also an ontological notion that encompasses our ongoing negotiations between possibility and experience, the space in which our relationship with the existential and origivative is articulated, and presumed. There are perhaps at least as many ways that people understand this ontological relationship as there are political systems, or languages; many (but not all) of the ways that these ontological problems are articulated are within worldviews and religious systems.

At the 2007 Annual Meeting of the American Academy of Religion, a session of the Religion and Ecology Group focused on place. The papers and conversations in “Religion from the Ground Up: Religious Reflections on Place” suggested place as an essential notion which should be reclaimed and reinhabited as a way to resolve the disenchantment of the world.<sup>11</sup> Dr. Stephanie Kaza, who responded to this session, asked what more there might be to the notion of place. Is it simply that we all should rediscover

---

<sup>11</sup> It certainly was not the case that every presenter was arguing this explicitly. Rather, it was implicit or explicit within some of the papers, and within the questions and answers about the papers from the audience.

a sense of place and the world would be put in order? What about places in conflict, or where different people have different senses of place? Thinking of sense of place as a panacea, as something that needs to be reclaimed in an uncritical exercise, collapses our conversations about the religious dimensions of place into devotional ones. People already exist in places, and have senses of place which need to be examined and considered. As Mick Smith argues, reclaiming place does not necessarily contribute to a better environmental ethic or worldview (2001). Exploring the religious dimensions of place, as is done here, is not a prescriptive or theological exercise, but one which seeks to understand people, landscape and culture. Developing a *critical understanding* of place and its religious dimensions may help us to approach some practical solutions to environmental problems.

In the case of Burnt Church, we face a challenge clearly environmental and political. Yet some of the implicit, historical and cultural dimensions of this conflict, and of this place, are religious. It is, after all, embedded in the name of the place! Casey points out that the names of places themselves embody and instantiate a community in its historic and geographic setting, indicating something about how people and landscape are together, socially implaced (1993, 23). In his work with the Apache, Basso furthers this argument, suggesting that

...place-names are among the most highly-charged and richly evocative of all linguistic symbols. Because of their inseparable connection to specific localities, place names may be used to summon forth an enormous range of mental and emotional association – associations of time and space, of history and events, of persons and social activities, of oneself and stages in one's life. (1996, 76)

In Burnt Church/Esgenoôpetitj, the name Burnt Church points us towards the religious, colonial, and conflicted nature of this place, while Esgenoôpetitj opens a slight space for

a Mi'kmaq worldview apart from (or in resistance to) the history of colonization. Before colonization, this place was known as Esgenoôpetitj, “look out place where one waits for the others” (Martin, unpublished paper), or “the People watching for those to come” (gkisedtanamoogk, 2007, pers.com.). Esgenoôpetitj was a summer camp and gathering place for Mi'kmaq people. Contemporary Mi'kmaq use of this traditional name (as is common practice in Mi'kmaq communities across Indian Country) ties this community to their ancestors, to times and lives before colonization, and to a Mi'kmaq worldview that lives contemporaneously alongside and within Canadian society.

The name Burnt Church evokes the conflict of colonialism, the war with the English, and the importance of religion as an element of the colonial encounter. In New France, it was commonplace for relationships with native communities to be built by missionaries, such as the Récollets who came to Esgenoôpetitj with the support of the local seigneur, Nicolas Denys.<sup>12</sup> With the arrival of these missionaries after the late 1600s, the conversation, confrontation, and alliance between Mi'kmaq tradition and Catholicism became a feature of life in Esgenoôpetitj. The stone mission church at Esgenoôpetitj/Pointe-à-l'Église was burned in the attack on the Mi'kmaq/French alliance by the English in 1758. The name Burnt Church marks not only the importance of the alliance between the Mi'kmaq and the French, and of the church to that alliance, but the

---

<sup>12</sup> Much of this early history, from the perspective of missionaries, was documented in the Jesuit Relations. The missionaries generally believed that they were in New France to save as many Indian souls as possible, whatever the cost, for the sake of the Indians and for their own sakes. Most were prepared to be martyrs to the faith (Greer, 2000; King, unpublished paper, 2002). It is more difficult to parse out how the Mi'kmaq saw the missionaries. Alliances and treaties between native nations and groups were commonplace on Turtle Island before the arrival of the colonists, however, so alliances with the French or British would fit easily into Mi'kmaq practices. In some cases, people from the allied nations would move to the other community, as a demonstration of commitment. Perhaps the presence of the Récollets in Esgenoôpetitj was seen in this light, as a dimension of the treaty relationship between the Mi'kmaq and the French. And, as in other cases, it is hard to know what Mi'kmaq converts thought and believed about Catholicism, or about their traditional religions, outside of what was written by the missionaries to document their work. For more about this, see work by Alan Greer (2000, 2005), Bruce Trigger (1985, 1996), Daniel Paul (2000), for example.

threat and conflict under which the Mi'kmaq and French lived, and the victory of the British forces. It is an English name for a community originally Mi'kmaq, and then also French. As the British and their Canadian descendants retained the power of naming the First Nation (The Burnt Church First Nation) and the English settler community (Burnt Church), perhaps it is no surprise that a name marking an apparent English victory was chosen. Bound up in an English name about victory and defeat are the ghosts of alliance, and the spirits of inter-religious encounter, at the heart of the colonial community of Burnt Church.

Place names remain contested in both Burnt Churches to this day, as people negotiate the representation of their identities. In the Mi'kmaq community, though the government calls them the Burnt Church First Nation, many people also call their community Esgenoôpetitj. Esgenoôpetitj is painted in bright letters on the community water tower. Like most other Mi'kmaq communities, the people of Esgenoôpetitj are working to retain their language and cultural identity, and retaining their own name for themselves is an important part of this, and can be a political statement. In the region, though, non-Mi'kmaq often do not recognize the Mi'kmaq name, and so people from the reserve comfortably use both, using one or the other more commonly depending upon their politics and comfort in their language.

In the English community of Burnt Church, people considered changing the name of their community, as the dispute wore on, perhaps to Church River (after the river that divides the peninsula from the surrounding communities). Many were tired of feeling invisible, since most of their neighbours in the region believed that Burnt Church was only an Indian community and not a white settlement also. A small community of only 85

persons, the English felt maligned and ignored in the media coverage of the dispute. They held a referendum, which did not pass, and the name of the community remained as it has since before their ancestors arrived. In both places, people in the communities are aware of the conflicted identities bound up in their names, and continue to negotiate these.

Religion remained an important historical factor in Burnt Church after the time of colonization, both for the English settlers in Burnt Church, and for the increasingly pressured and marginalized Mi'kmaq. People's relationship to place, and to one another in place can be expressed through myth and ritual, music, art and prayer, weaving together social relationships and refastening them to the landscape (Basso, 109-10). In the developing communities of Burnt Church/Esgenoôpetitj, religion expressed and reconfigured place, shaping and articulating changing social and geographic boundaries. For the English settlers, their Presbyterian faith was a cornerstone of the new community that was being built. People met in cabins and homes to pray and study together, and eventually built their first small church around 1835. Religion played a crucial role in cementing the relationships of the settler community to one another and this place. As the English community grew and stabilized, they constructed first one church, and then a larger one, physical signs of their stability and prosperity. That church building, now known as St. David's United Church, marks the geographic centre of the Burnt Church, and remains at the heart of community life in the present.

For the Mi'kmaq, their entire worldview came under threat with the encroachment of the colonial governments, who reduced and eliminated traditional means of providing for family, and attempted to indoctrinate people into a Christian worldview. The power of

the church grew, and many people from Esgenoôpetitj joined in worship at St. Anne's parish, becoming committed members and parish leaders. Over time, traditional cultural practices such as dances, festivals and ceremonies, including gift-giving, wearing of traditional dress without the permission of the Indian Agent, and traditional funerary practices, were outlawed by the colonial government, with the local support of the Roman Catholic Church (Paul 2000, 277). Children from the community were sent to the residential school operated on behalf of the government by the Roman Catholic Church in Shubenacadie, N.S.

In the late twentieth century, traditional practices and languages remained under great threat. Since so many Mi'kmaq practices had been forbidden for so long, though these practices were no longer illegal many were initially fearful to take them up again, or uncertain as to the proper ways to enact traditional teachings. Though most adults had been raised speaking Mi'kmaq as their first language, many of the children of the community spoke only English. A traditionalist movement began to gain ground in the community of Esgenoôpetitj, encouraging people to educate their children in their own language, and reclaim their traditional practices and worldviews. Pow-wows began to be held in the community at the end of each summer. As the dispute subsided, both traditional and Catholic religious traditions remained strong and important in Burnt Church. Though St. Anne's Parish has a smaller group of regulars, the church is still full at Christmas. And though few participate in all the traditions of their ancestors, everyone in the community now comes to the Pow-wow each August. Much as the two names of the First Nation reflect the joint identity of the people as Mi'kmaq and Canadian, religious life in the communities reflects traditional and Christian worldviews. These

religious approaches are not in conflict with one another among the people – within families and even individuals, both can be important sources of guidance, inspiration and support. In the present, in Burnt Church, both Christianity and traditional religion have become Mi'kmaq religions, playing crucial roles in the dispute and its aftermath. People turn to religion as they negotiate the outcome of the dispute, and what it means for themselves and their community, as will be discussed in Chapter 4. In this important sense, religion remains one of the ways in which relationship to place continues to unfold.

But, as Stefanovic argued earlier, it is not simply that religion is a key dimension of place, in historic and cultural senses, though that is clearly true. Places are the ontological grounding of experience before subject and object, within which our existence is grounded. Certainly places themselves can be spiritually or religiously significant for people and communities. Take the case of the Navajo, for example, who understand their relationship to lands as a relationship with “the Great Self” (Casey 1993, 36). Or, as has already been shown, the Mi'kmaq of Burnt Church, who see their relationship with “what is there” as one with a sacred landscape which cannot be parceled off or sold. For Casey, this is more than simply the significance of a place, however. It is the spirit of a place, where “*spirit* signifies that which refuses to submit to dichotomizing. To get into the spirit of a place is to enter into what makes that place such a special spot, into what is concentrated there like a fully saturated color. ...the spirit of a place is also expansive” (1993, 314). The spirit of a place is something *more* than the historical and cultural significance of religion, the way in which place becomes, for some people at some times, more than the sum of its parts. We need make no essentialist or traditionalist

claims in order to acknowledge that a place might be *more* for some than the sum of its parts, in both functional and ontological senses. Basso suggests that this concentrated and expansive something *more* is a religious force in a very particular way, in that it binds and gathers together communal social identity.

Like a good pot of stew or a complex musical chord, the character of the thing emerges from the qualities of its ingredients. And while describing that character may prove troublesome indeed (always, it seems, there is something ineffable about it), the elements which compose it may be separately sampled and assessed (1996, 145).

At the level of the social and communal, sense of place is that which holds together landscape, history, politics, ritual and belief in a shared identity, gathering them with a “potent force” (1996, 145). Sense of place is that which binds together a worldview. It is finally, in this sense, that place is religiously grounded and constructed, as a way of understanding that which binds the common values and perspectives of a community or group into something greater, a shared identity that incorporates religious belief and experience into a worldview that ties its members together in a common identity.

Getting at worldviews in this complex way means attending to places as well as to people. Fieldwork becomes more than simply ethnographic; just as a tour of the community is important when hosting visitors to the First Nation (as discussed earlier), fieldwork comes to involve attending to landscapes, as another way to approach place. This involves attending to the landscape as well as the people of Burnt Church, reflecting on the ways that people and landscape inscribe themselves upon one another. The sources of understanding for an academic project, the *data*, expand to include participant observation of place as well as of people and communities. This involved keeping a research journal that included my experiences of place as well as my experiences with people. Reflection on place frames my experience as a researcher “in the midst of

things”. The following passage is one reflection upon my sense of place while in the English Burnt Church, based on my notes and experiences:

Standing on the edge of the Burnt Church Road, in front of St. David’s United Church, looking across the fields to the glint of the Bay, gives me a sense of the complexion and complexity of this place. Every time I stand here it looks slightly different, as the seasons shift over the landscape. But always the gentle fields slope towards the shore, sometimes green, sometimes golden, sometimes blinding white. Beyond and beside the field is the forest, the bush really, a different green in every season (and sometimes white with snow), an osprey nest high in the trees. Past the forest is the water itself, glinting blue, or shining steel, or frozen ice. Close to me, nestled among a few old trees in the very middle of the field, is the white clapboard house of one of the old Scots families, now a summer home that’s empty most months of the year. If I walked down the field, through the forest to the shore, I would find myself in a tangle of grasses along the shores edge, looking out across the bay, with the wharf at the edge of my vision. But I stay where I am.

Every time I walk this section of the road I have to stop and look. It seems to me that every layer of the lives of the settlers in this community is bound up in this view – the fields, the forests, the water. But only rarely, during haying, do I actually see another person in the moment I stop. I try again and again to capture this place with a photo, but there is something about the expansiveness of it that cannot fit into the frames of a camera, or be captured in ink. It takes my breath away, and makes me feel profoundly at home, every time.

As a researcher, trying to understand the Burnt Churches meant not only trying to understand the people and their lives, but also trying to understand the place, the layers of relationship and identity that show themselves on the land. Being in a place opens up the unique nature of that place, much like meeting a person who you’ve only heard or read about. These observations of place become one more way to get at an understanding, such as it may be, of the dispute in Burnt Church/Esgenoôpetitj.

## Contested Places

If one is trying to understand the dispute in Burnt Church, as we are, then one of the most important things to appreciate is that this is a contested place. In Burnt Church/Esgenoôpetitj, the very identity of the people and their ties to their home have been under threat since colonization. Mi'kmaq alliances with the French, first cemented by missionaries, and their later treaties with the British, did not alleviate the threat, violence, and loss that came with the arrival of the Europeans, and other settlers after them. Mi'kmaq people died in huge numbers from diseases brought by the colonists, and over time the ability of people to earn their livelihoods in their traditional ways and on their traditional territories was lost as settlers encroached and the colonial governments coalesced.<sup>13</sup> As we have seen, this loss of place has a profound effect on a people, and loss of place, along with the threat of further loss, has deeply shaped the Mi'kmaq of Esgenoôpetitj. Over time, the lands of the Mi'kmaq became smaller and smaller. At the same time, the people's experience of displacement has become a part of the place. As the place to which the Mi'kmaq retain rightful relationship becomes smaller and smaller, the precariousness of this relationship becomes a feature of the relationship itself. Sense of place in Esgenoôpetitj has become something which encompasses loss and prepares to defend and advocate against the possibility of more to come. The Burnt Church First Nation is a contested place, where "what is there" echoes what has been lost, held to and defended all the more closely because of it.

The experience and possibility of displacement has become inscribed in this place, and people dig in to that small spot which remains safely theirs – the reservation.

---

<sup>13</sup> For a thorough discussion of this from the Mi'kmaq perspective, see Daniel N. Paul (2000) *We Were Not The Savages* Halifax: Fernwood Publishing.

bell hooks describes how, for blacks in the American South, the turn to the domestic place replaced and healed the wounds of lost place and homeland (in Casey 1993). hooks preferred

“the segregated blackness of our community” to the neighbourhood of whites, whose porches, even when empty or vacant... seemed to say “danger”, “you do not belong here”, “you are not safe”... The protective posture of staying put allowed the home-place to be what hooks calls a site of resistance vis-à-vis the surrounding society in general and white racism in particular. (Casey 1993, 301)

In Burnt Church, the small boundaries drawn around the community by the Canadian government’s creation of a “reservation” mark what has been taken, but also reinforce the safe “home place”. Stories were told to me about childhoods in which native children and their mothers would hide when white people visited the reserve, staying safe. In the English community, one person remembered when native people who crossed the boundary into the English side did not walk on the road, and instead descended to the shore and walked along the water’s edge to their destination. Though many Mi’kmaq believe that they retain the rights to relationship with all their traditional lands, inhabiting or even visiting them is not necessarily safe. Leaving the community is safest and most often done in groups. “Staying put”, as hooks put it, is a way of resistance, of protecting people and place, of reinforcing a Mi’kmaq sense of place and self in the face of all that has been lost. Loss of place is important not only as absence, but because it shapes people’s relationship to that which remains.

The English community has been settled on their lands for more than two centuries. Though life was challenging and difficult, as were many rural lives in Canada, for much of that time the people of the English community lived in a successful and stable community, relative to their neighbours. Until at least the 1960s, the English

speaking citizens of New Brunswick tended to be much better off than their French speaking counterparts; it wasn't until the late 1960s that Native people in Canada were recognized as citizens, and given the right to vote.<sup>14</sup> In the 1980s, a cultural revival began in the Burnt Church First Nation, and with the Supreme Court's Sparrow Decision on traditional and ceremonial fisheries in the early 1990s, the Mi'kmaq began to exercise their rights off-reserve also. With the eruption of the dispute, people in the English community had to confront the message that their presence in their own homes was not entirely welcome to some of their neighbours; that they were being held responsible for the hardships of colonization and the legacies of their ancestors; that some thought they should "go back to where they came from." To many in the English community, colonization is in the past, and should be left there. But the dispute tore open the worn fabric of relationship in the Burnt Churches, and forced what was hidden into the light. This is a profoundly difficult challenge. As Brenda asked earlier, many in the English community wonder "*Why do I have to pay for the sins of my forefathers?*" Others argue that everyone has burdens in their past, poverty, violence, and that it is up to each individual to rise beyond their own history, rather than dwell upon it.

For everyone in English Burnt Church, the underlying truth is that *this* is their place and no other, there is no ancestral homeland that would welcome them back with open arms, no other place to go. Casey describes this moment when we "confront the imminent possibility of there being no place to go" as "place-panic"(1993, ix). For people in the English Burnt Church, this moment comes *before* they have no place, it comes when it is suggested that *their* place, the centre and root of village life and culture, is not

---

<sup>14</sup> And certainly not all natives were enfranchised at that time, the most notable omission being native women who married non-native men, and their descendants.

legitimately theirs, and will not be someday soon. Place-panic comes when the awful possibility of loss inserts itself into life.

The dispute also suggests the possibility of loss of place not through outright disinheritance, but through loss of livelihood. If the lobster stocks are over fished, then there is no way for many to earn a stable livelihood and remain in Burnt Church, and so the village dies. The threat to place in this sense is not direct but indirect, and for the residents of English Burnt Church, this is the more likely, and more frightening possibility. It was this threat which impelled them to action in the dispute, that the centre of their tie to place, fishing, would be lost to them for good.<sup>15</sup> Casey suggests that displacement is more complex than the “simple” severance of the connection between people and place. He argues that violence to people is often *also* violence to places.

Everywhere we turn we find place at issue in the alienation and violence from which human beings have suffered so devastatingly in modern times. More often than we realize, the alienation is *from* (a given) place and the violence has been done *to* some place, not only to people in places. (1993, xiv)

The impact of violence which is done to both people and places is multiplied for people in a particular place, as they cope with the violence done to themselves and also to their place. The violence of colonization, for example, was done to the people of Esgenoôpetitj, and also to their lands as they were parceled out and turned to other uses and forms than the ones in which they had taken shape as place. But this is not the only crucial example of violence done to *place* in Burnt Church. What if we looked at the problem of over-fishing, stock collapse and the mismanagement of the East Coast fisheries as violence done to *place*? What if we understood the effects of global environmental change on Miramichi Bay as violence done to *place*? Violence to place in

---

<sup>15</sup> This is not an unreasonable fear, as any student of the East Coast fisheries knows, or anyone who has heard of the collapse of the cod fishery in Newfoundland understands.

Burnt Church is not simply a historical problem, it is also a contemporary problem. In communities where, in part, one set of neighbours were once the agents of colonization's arrival and impact on the others, now residents of both communities are threatened by the collapse of the very natural systems upon which they rely to sustain their lives and livelihoods. The continued existence of the small English community relies upon the continued existence of the inshore fishery as a primary employer, and of the forests in which people supplement their incomes. The 1300 residents of the First Nation also rely on the woods and the waters for their livelihoods to some degree, as they always have. Members of each community feel that the Department of Fisheries and Oceans is not doing a successful job of managing the fishery, as management policies often appear to them to accommodate political interests ahead of scientific ones. And to people in each Burnt Church, it seems that the good of the fishery is being (or has been) made a political sacrifice by the government, the police and the courts, in order to appease the other community or the will of Canadians writ large.<sup>16</sup> And so violence to place continues, its roots (and hopes for resolution) lying as much outside these communities as in them. In Chapter 4 the intricacies of this relationship between conservation, place and livelihood will be explored further. Conservation became an important language within which people expressed their concerns for sovereignty and agency, as it was a framework that outside groups such as the government were willing to recognize and engage. This chapter's discussion demonstrates that the roots of displacement in each of the communities of Burnt Church lie not only in violence between peoples, but also in the ongoing violence to resources, land, and livelihood, which disrupts and threatens relationship to place.

---

<sup>16</sup> This was a common theme in interviews, and is reflected in the stories contained in the Appendices.

In the philosophical literature on place, it is often argued that displacement is a general social characteristic of the modern and post-modern worlds. Casey argues that all modern places are essentially the same, and that desires for interchangeable places and rapid movement have displaced non-natives in the Americas just as loss of land has displaced natives (1993, 38-9). For Mugerauer, homelessness or "...displacement from both the problematic and sustaining relationships with the natural environment, community and ethos, and the sacred..." characterizes the modern condition (1994, 153). It is true that displacement is a critical problem, related to globalization, the importance of speed and border permeability in the movement of transnational capital, and the shift of people from rural livelihood to the urban job market. In a very real sense displacement is also the direct aftermath of colonization. In Canada, for example, colonial governments and settlers believed for centuries that indigenous people were a dying race, whose departure (or, possibly, assimilation) would leave the land free for Canadians (see, for example, Thomas King 2003, Sarah King 2004). In the present day, revitalized aboriginal communities are working to reclaim what is rightfully theirs. This project forces settler society across Canada to confront (or repress) the question of its legitimacy, and the possibility of "having no place to go", much as people in English Burnt Church confront the same problem. Loss of place in Burnt Church is, on the one hand, a dimension of this larger displacement, a very particular instance of the larger phenomenon of our dissociation from the very grounds of experience. On the other hand, focusing on displacement in Burnt Church as an instance of this general social dislocation misses the point. Paradoxically, the people of these two communities inhabit places constructed

around the threat of displacement, and yet remain profoundly implaced and profoundly local, tied to and inhabiting their places fiercely.

The two communities of Burnt Church are both threatened by displacement and deeply implaced. For those of us living in urban North America (most of the North American population) the significance of this implacement can be easy to overlook – but the peoples of Burnt Church are not (yet) displaced as we are. Their implacement is precisely what makes the threats of resource collapse and land loss so challenging. Perhaps it is most appropriate to characterize these communities as inhabiting *contested* places, places where belonging and power are in constant confrontation and negotiation. Viewing these communities only as displaced overlooks the very reason why displacement led to overt violence in 1999 – the people of the Burnt Churches know their places as home, and neither community will allow that bond to be broken easily, or perhaps at all. In both communities, people are settled on sections of land that were their ancestors', each section of each community traditionally belonging to one family. You can understand who people are, deduce their family names and all that comes with names, simply by knowing which "place" is theirs.<sup>17</sup>

In cities, highly mobile populations made up in part of the descendants of farmers and villagers struggle to make places for themselves in the homogenizing urban environment (see Stefanovic 2000, Mugerauer 1994). In Burnt Church/Esgenoôpetitj, people still live village lives, and their livelihoods still depend directly on the natural resources of the lands and waters. Religion, as personal practice, social structure and civil

---

<sup>17</sup> This system is changing over time. As the population grows in the First Nation, new homes are built both by family members in family sections, and also in newly cleared parts of the community, where there are not sections. In the English community, population growth isn't a factor, and so changes are slower, with the exception of the cottages along the shore. Many of these are still owned by descendents of old families, but many are not.

identity, has been an important way in which people understand and experience their relationships to land and to one another, to place. Within the First Nation, traditional religion, Roman Catholicism and, more recently, charismatic Christianity have been crucial factors; within the English village, both organized Protestantism and public or civil religion remain important as people navigate shifting relationships. The next chapters will explore this negotiation of place and religion in Burnt Church, through consideration of the importance of rights, sovereignty and nationalism, and of conservation, as critical factors in local worldviews and identities both in the dispute and its aftermath.

It is tempting to think of rural communities as dying, or to romanticize them as the lost communities where we knew our place. Certainly, absolutely, Burnt Church is buffeted by the forces of modern culture, of corporations and governments and other bureaucracies, the forces that drive displacement and draw us to cities. And yet the effects of these forces, and the ways they are resisted and accommodated, remain, in part, unique and local. Our emphasis on the challenges of displacement in Burnt Church must proceed from and be embedded in an understanding of the profoundly placed nature of these rural communities. Burnt Church is a *contested* place. In Burnt Church, displacement is being struggled with, being fought, being challenged. In Burnt Church, displacement is a highly important factor in community life and place, and has been for centuries. And in Burnt Church, people remain profoundly implaced, negotiating and creating history, community, religion, landscape – inhabiting place.

## **Chapter 3**

### **Rights, Sovereignty, Nationalism**

The years of the dispute had a huge impact on the everyday life of the residents of Burnt Church/Esgenoôpetitj. There was tremendous upheaval in the day to day routes and routines of the two communities, and people found themselves having to confront violence or conflict as a regular occurrence. Over time, this had a significant effect on people's identities and worldviews. In the previous chapter, we considered the development of Burnt Church/Esgenoôpetitj and the English village of Burnt Church as contested places, over many generations. In this chapter, the more immediate effects of the dispute on sense of place in these communities (and of these communities' sense of place on the dispute) become the subject of discussion. In the First Nation, people's belief that they were standing up for indigenous rights and sovereignty, in their traditional territory, gave them the strength and clarity to persevere. In the English community, residents began to raise questions about their own governments' inability to protect them from the ongoing conflict. In both communities, these issues remained critically important after the dispute had subsided, when things were supposed to have returned to "normal". People continue to negotiate and articulate the importance of rights, sovereignty, and nationalism, as key aspects of personal practice and community life, and as important parts of their senses of place. Rights, sovereignty and nationalism are not only critical issues raised by the Marshall decision itself, but fundamental problems for the people and places of Burnt Church, both during the dispute and in its aftermath.

While concern for rights motivated and engaged members of both the First Nation and the English village of Burnt Church in the dispute, how these two groups understand

and value rights differs significantly, as their conceptions of rights have developed within different cultural and religious paradigms. These differing views underpin people's actions during the dispute, and the ways that they characterized their experiences afterwards. Before exploring the significance of rights and the related concepts of justice, sovereignty and nationalism to the dispute, it is important to attend to the differences in how these are understood in each community.

Within the Mi'kmaq community of Esgenoôpetitj, people engaged with the dispute in order to *"take a stand against our rights getting smaller and smaller and smaller, and [soon] they'll be worthless."* Many people in Esgenoôpetitj understand rights within the context of their native view of the world, embedded in the relationships of community, family and nation, and enshrined in their agreements with the Canadian government through the treaties. For some, "rights" is not in itself an aboriginal concept, but a Western idea encountered through colonization: *"We never had to fight our Clan Mothers and Sachems for our inherent right to be and to exist"* (gkisedtanamoogk, 2007, personal communication). In this sense, "rights" talk in the Mi'kmaq community also represents an effort by indigenous people to express their concerns in the framework of a non-native language and culture. *"Like much of the english language usage in NDN [Indian] Country, the way and understanding of this usage [rights] us quite a bit different than the standard mainstream, because the usage for NDN People is culturally based"* (gkisedtanamoogk, 2007, personal communication). Vine Deloria argues that there is a great gulf between Western thinking about religion and culture, and Native cultural and religious practice, and that this difference is, at its core, "the difference between individual conscience and commitment (Western) and communal tradition

(Indian)” (1994, 83). He suggests that the foundation of native social order is the sanctity of the individual *and* the group (1994, 87), and that aboriginal religious and cultural meaning and identity emerges from the fundamental relationships of family, community and nation. In the context of the dispute, rights became a critical idea with which Mi’kmaq people expressed their concerns and priorities, negotiating the gulf between indigenous understandings and Western frameworks. Indigenous “rights”, then, are not understood primarily to reside in individuals (as they might in a non-native view) but are a part of the responsibilities and obligations embedded in communal relationship, belonging to the community as well as to individual aboriginal persons.

In the Burnt Church First Nation, people’s actions for native rights were motivated by this concern for the rights “of the people”, and they understand rights themselves as residing with the community as well as with its individual members. The people of Burnt Church also argue that native rights are enshrined in the treaties made between their ancestors and the early British colonists (treaties which were the basis of the Marshall decision). These treaties outline relationships between the Mi’kmaq and British nations, on the collective level, and are understood by Mi’kmaq people to characterize what is rightfully theirs as members of their nation (not simply as individual native persons). For many Mi’kmaq of Burnt Church, their activism during the dispute was to uphold these communal rights, according to the treaties.

For most in Esgenoôpetitj, the ability of the community to enact its rights as outlined in the treaties would represent the realization of justice for the people. Justice, in this view, cannot be realized while members of the community enacting its fishing rights are being pursued and prosecuted for their actions by the Canadian government, and

persecuted by their neighbours. For a smaller group within the First Nation, the just realization of their rights requires not only the recognition of these by the Canadian government, but the recognition of the Mi'kmaq people as a sovereign nation by the Canadian government. Sovereignists argue that as the treaties were signed between nations, the Mi'kmaq nation retains the right to govern its own activities, such as fishing or timber harvesting, without the oversight of the Canadian government. Regardless of their position on sovereignty, all whom I met in Esgenoôpetitj agree on the significance of native rights, as a communal good, to the dispute.

In the English community of Burnt Church, rights also became an important concern during the dispute. When the community held a protest against the native fishery, on the wharf, some carried protest signs that read, "*Do we not have rights too?*" Some residents argued that developing a separate set of rules for a native commercial fishery was wrong: "*If they've got a law, everybody's got to abide by it, by my way of thinking. You can't have different laws for different people depending on your race, colour and creed....*" The concept of rights at work in the English community supposes that rights reside with individual persons, not with groups or communities, and that rights need to be equally recognized and distributed among these individuals. This notion of rights as inherent in individuals reflects the common Western (non-native) understanding, as is outlined in the Canadian Charter of Rights and Freedoms, which ascribes rights to individual citizens (Department of Justice Canada, 1982) or in the Universal Declaration on Human Rights, which recognizes rights as residing in individual persons (United Nations, 1948). Within the English village, this understanding of rights as individual leads to the view that justice is the equal treatment of every individual, according to the

same rules. The presence of a native fishery, even when recognized by the Canadian courts, did not uphold an understanding of rights or justice that the people of the English community affirmed. This led to deep divisions between local residents, and the governments and government agencies that they had expected to uphold “one law for all”.

Within environmentalist circles, the question of the rights of ecosystems themselves have become important as the environmental movement has developed. Deep Ecologists have argued that non-human nature has inherent rights, particularly at the systems level, and that recognition of these rights is an important first step in enacting an ecological cosmology (see, for example, Devall & Sessions 1985, Macy 1995). These principles have been enacted by a number of “radical environmentalist” groups, including EarthFirst!, who undertake ecological sabotage and other illegal acts in efforts to protect wild landscapes (see Taylor 1996, 1995). Such concerns were simply not on the table amongst those with whom I spoke in Burnt Church, or in any of the related literature. Concern for the lobster was never separate from concern for the lobster fishery; in conversation, rights were ascribed to people and never to crustaceans (or other non-human creatures). Local understandings of environmental concerns encompass human and non-human nature, as will be explored in detail in Chapter 4, but rights were never ascribed to ecosystems as such.

### **Life in Burnt Church, during the dispute**

In the First Nation, Esgenoôpetitj, during the times when people were fishing, the attention of the whole community focused on the shore. Although the fishing was begun by some of the women of the community, as the violence from the government and their neighbours escalated, it was the men who took the lead on the waters, supported by the broader community along the shore. Some stories talk about how people “created their own justice” from within the community, since they didn’t believe that they were experiencing justice within the Canadian system. This “thirst for justice” is part of what motivated many to take to the waters on behalf of their community during the dispute. In one community story, it is told how some of the non-native commercial fishers were chasing native fishers on the waters, taunting them with caricatured enactments of Native culture like face paint, made-up chants and tomahawk dancing, and threatening to harm them and their fishing gear. Eventually, one boat ran aground – the men on it had been drinking – and the men and their boat were captured by people from the native community. The native boats took action against the protesters, eventually turning the men over to the RCMP, and burning their boat. One native fisher characterized this action as sovereign action – the people enacting their own justice:

*And the thing with that was when [the community] did it, you know, it was a great relief in their hearts, because when we did that, they [Acadian fishers] never came in our waters again. Because sometimes you have to have your own justice. Because the justice that we were gettin’ here wasn’t too good ....*

The creation of justice for and by the people is an important dimension of sovereignty for many in Esgenoôpetitj. The people’s anger is channelled, and the government challenged, by the creation of Mi’kmaq justice. The creation of this justice brought “...a great relief in their hearts.”

The residents of Esgenoôpetitj were closely monitored by RCMP officers on the roads and in their homes; the community was under helicopter surveillance; it was openly acknowledged that phones were being monitored by government officials.<sup>1</sup> Whenever there was a raid by the Department of Fisheries and Oceans (DFO), or a confrontation on the waters, native people would drive their cars through the reserve, honking their horns. Everyone would recognize this as a signal to go to the shore, and witness their fishers being confronted by armed DFO and RCMP officers, who were destroying or confiscating their traps. One couple with whom I spoke described the effects that watching DFO raids had on them:

*It was a constant attack on our dignity, that's what it was. I felt so helpless – and you couldn't do nothing! Ah! You'd see them all out there, and you'd know they were cutting [traps]. And even though I don't fish or anything like that, they weren't just doing it to individuals; they were doing it to the whole reserve, the whole people. And not for what we were doing, but for what we were, as natives....*

*EACH TIME THEY CAME CLOSE TO A BOAT, THEY WERE TAUNTING, AND THEY WERE TELLING US, "WE'LL GET YOU!" "WATCH YOUR BACK, WE'LL GET YOU!"*

*... THEY HAD MOST OF THE PEOPLE'S PROFILES. THEY KNEW EACH AND EVERY ONE OF THE PEOPLE THAT WENT OUT AND PROTECTED THE TRAPS, THEY KNEW THEIR BACKGROUND. ... We had files with the Security Services.*

The threat to the traps, and to the men on the boats, was not felt to be simply a threat to those individual persons. It was something that was sensed across the whole community. The women and men who remained on the shore, watching the conflict unfold on the waters, felt the threat to their brothers and uncles and sons very deeply. They also felt the responsibility that they had as a community to keep all of their members safe, especially those who were risking their lives in the confrontations on the waters. A younger woman

---

<sup>1</sup> This was known in both communities – while people in the First Nation were aware of the surveillance through being subjected to it, people in the English community were told of the surveillance by the local RCMP, who thought it would reassure them that they were being appropriately protected. See the Appendices for further community discussion of this point.

in the community described the fear that the conflict created in her mother-in-law, an elder:

*My mother-in-law, that was hard for her, to see all her boys out there. ...I remember my husband went into a battle, and when it was finally settled down, his mom walked up there. It was right in front of her house, you ... can see everything right in front of there. And she was holding onto his hand ... and then she started crying, "I thought you were going to get killed out there."*  
*He said, "I'm all right Mom, I'm okay."*  
*And then I could see him crying too, because he feels the pain for his mom, eh? So then his mom finally kind of turned around, and gave a big look, and say, "I know what you have to do, son. I believe in what you are doing, don't stop."*

People on the shores were galvanized by what they witnessed on the waters, and tried to find many ways to support the actions of the fishers. One of the most important actions was always that of being present on the shore, to witness and support the work of the fishers and the Rangers (band-appointed fisheries officers) on the waters. The work of keeping the community going was also important, taking care of children, feeding visitors, and boosting the spirits of those on the front lines:

*During the day I would stay home and make sure the kids were safe – I wouldn't even let them go out in the yard anymore. ...We were just so scared. ... I just mostly stayed home and took care of the kids. And supported my husband, because there was a lot of times he was discouraged, and didn't know what to do, and said "I don't want to go out there anymore..."*  
*But then we look around, and I told him that "I believe what you're doing is right. And they need you..."*

Another woman described the work that was done to host visitors, and how it brought the community together:

*Strangers would come by, delivering 50 lb bags of potatoes, boxes of food, and they would drop them off at the band office, because the band office was the kitchen of the community. That's where all the cooking was going on. There was people designated to do the cooking every day, to feed the Warriors, to feed the guests. And people all just pitched in, and they worked side by side, much as they were fighting [each other] before [the dispute], they were fighting together [now]. [laughs ...]*

The experience of the dispute drew the Mi'kmaq community together to work for a common cause. Many people with whom I spoke noted how community members overcame differences, addictions, and despair, as they cooperated to support the fishery.<sup>2</sup>

Meeting practical needs of the community was not the only way that those on the shores supported the action of the dispute. They erected barricades on local roads and highways, in response to raids on the water, which they operated in concert with the Warriors who were in the community. Warrior societies are groups of native men whose role is to defend and protect native communities. In Canada, the work of the Mohawk Warrior Society at Oka is a famous example of this action. Warriors are a traditional group within Mohawk societies, since long before the arrival of colonial powers. In Mi'kmaq territory, the role of Warriors in the present is understood to be continuous with the traditional protector role of men in Mi'kmaq and Wabanaki societies. In Burnt Church, local men took up the role of Warriors, and formed themselves into Warrior Societies, because of the overt conflict over the fishery. They were joined and supported by Warriors from Societies across Indian Country, a solidarity that is common amongst natives in conflict with the Canadian government. Many Warriors have military expertise, from service in the Canadian and US Forces, including service within some of the most elite divisions. Warrior societies are active in regions across Canada, and see themselves as sites of critical resistance to the forces allied against native people. At the barricades in Burnt Church, anyone attempting to pass would be confronted. While local vehicles were usually let through, commercial vehicles were forced to take long detours around the community.

---

<sup>2</sup> This unity has not lasted, as discussed later in this chapter.

Sometimes the people standing on shore picked up rocks and hurled them at government boats, in an attempt to protect their fishers:

*So sometimes we would be out there, and there would be a conflict taking place .... They'd tell the young men, "Don't engage in anything with them, just go out there and fish."*

*But when [the government] started ramming the boats, they said "That's it!" And they started collecting all these rocks – "Come back! Come get your rocks!" And the people like, there were grandmothers and grandfathers and little children, they were filling up buckets with rocks... because nobody had any guns, and they had the guns. Not the Warriors or the fishermen, we didn't have any guns, but the DFO did.<sup>3</sup>*

The violence of the dispute had a huge impact on the community of Burnt Church. People lived under a very real and present threat for many years. They witnessed and experienced violent raids and arrests, including beatings and capsizings, and the constant looming presence of the governments agents, whether confronted by them in full riot gear with weapons pointed, or through their surveillance and monitoring of community life. The willingness of the community to remain resolved during these extreme circumstances demonstrates the crucial significance of aboriginal rights and sovereignty to the members of the Burnt Church First Nation, and their determination to win decision making power over their own place, as they believed the Marshall decision finally recognized.

Though the English and Mi'kmaq communities of Burnt Church are largely separate, they live in the same space and landscape, drive on the same roads, and rely on

---

<sup>3</sup> There are disagreements between people in the two communities about who had guns, and when, and where. These conflicts come up directly and indirectly throughout people's stories of the dispute. There is no way that I can be an arbiter of truth, determining who did and did not have firearms when. Certainly some people in each community *were* armed at different points during the dispute, based simply on people's claims about themselves. Throughout this discussion, people's stories are presented as they were told to me, in their own words. I am fairly confident that in each of the stories selected here, the tellers of the stories are giving accurate representations of whether they were armed or not. I have tried to avoid the more contested examples for the purposes of this discussion, in order to avoid getting bogged down with the challenges of determining accuracy in such a contested context, and because doing so with the required detail might make some individuals within either community vulnerable to prosecution.

the same resources. The prolonged conflict of the dispute was primarily between the Mi'kmaq and the federal government, but it did not begin that way. In the very first days of the post-Marshall native fishery, in the fall of 1999, the federal government was clearly unprepared (Coates 2000; Doyle-Bedwell 2001). They had not anticipated that the court would rule as it did, and were not engaged in any conversation with Mi'kmaq people about the fishery. In the English village of Burnt Church, after Marshall, fishers and their families watched unlicensed native fishers fishing lobster out of season, and then selling their catch to local buyers and processors, without any action from the Department of Fisheries and Oceans. As the native fishery continued, the people of the English community were motivated to organize themselves into a demonstration, which happened one Sunday after church, in early October 1999. Burnt Church fishers took their boats out on Miramichi Bay, where they were joined by many others from the surrounding Acadian and English communities. Their families and other local residents marched to the wharf, carrying Canadian flags and protest placards. This is the protest that famously erupted into violence between the two communities, after some fishers on the Bay began to cut native traps.<sup>4</sup> The RCMP eventually escorted the non-native protestors off of the wharf. Non-native trucks were burned, boats and lives threatened, and a violent altercation broke out. At the end of the afternoon, Mi'kmaq residents occupied the wharf. The conflict between the two communities had broken wide open.

In his examination of the effects of the Marshall decision in Maritime Canada, Coates argues that the non-native people of the Maritimes simply had no idea of the depth of pain and dissatisfaction with the status quo that existed in Aboriginal communities (2000). In Burnt Church, English residents were suddenly confronted with

---

<sup>4</sup> See Chapter 1 and the Appendices for more detailed information about this protest.

this usually hidden anger, in their neighbours' reaction to their protest. The resulting mobilization of native people, and their occupation of the lands of both communities, had a lasting impact on the English community. One English resident described how these effects began, the day after the protest and the native occupation of the wharf:

*On Oct 4, the day after all this took place, when the other natives started moving into the area, they were dressed in camouflage outfits, some of them had masks on. They set up three different teepees – two of them out on the wharf, and then there was one down here on the shore...And of course they were going night and day at that point in time, these people that had come in from other areas.*

*Of course, that bothered the community quite a bit. All of a sudden a quiet little place like this is disrupted with people tearing around 24 hours a day. ... So we didn't really know who was around or what they might be up to. Whether they were gonna set your house on fire or what...*

*It was a very difficult period. Was just like the community was under siege, for a period of time.*

This feeling of siege was very acute for the residents of the English community. They were told by the RCMP to be concerned about their safety, that their Mi'kmaq neighbours might come after them. Some were told that their names were "on a list of people the Indians were looking for". Many were told that they should leave their homes and the community, and find another place to stay, since the RCMP could not guarantee their safety. Every resident (save one) with whom I spoke about this time, whether informally or in interviews, said that in the days immediately following the protest and occupation, someone from their household sat up at night in their living rooms, trying to protect their families and properties from the threat that the Mi'kmaq posed. Some followed the advice of the RCMP and left, or sent vulnerable family members away temporarily.

*...I sent my wife to go upriver ...cause I knew what was going to take place here. And my young lad was in college, and he heard about it, so he come home...and we sat up at nights with shotguns, because we couldn't sleep. Like if cars were going right by, they'd slow right down... at your gate, you didn't know if they were coming in or what....*

Suddenly, over the space of one weekend, the perception of life in the English community as basically safe and stable was transformed.

As the government presence in the two communities increased over time, the direct threat that the English felt from their neighbours shifted. The possibility of violence became less a direct threat to individual homes and people, and more a constant presence in the public spaces of the community. The wharf, maintained by English fishers and at the centre of the English community, remained under native occupation, as was a stretch of the “English” shore.<sup>5</sup> All of a sudden, the place that the English had thought of as “theirs” was under occupation by their neighbours.

*The reserve has always been a place that you don't go... but it never really spilt out into our community...it was “over there” ....  
So when they decided to take over the wharf... and thousands of native people were there, where did they come from? Who are they? Why are they here? It was like an invasion – our wharf, of our space...*

The barricades that were erected included one along the shore road, near the wharf, within the bounds of the English community, and one at the main crossroads of the English community. This meant that some residents had to cross the barricades in order to carry out the functions of their daily lives, like picking up the mail, buying gas and groceries, visiting neighbours or going to work. The presence of the barricades was painfully disruptive to the English residents, and the ill feeling about this was compounded by the fact that some of the people involved in these protests were not local residents of Esgenoôpetitj, but Warriors who had come from other communities in the region, and from as far away as British Columbia. Native protesters were an ongoing

---

<sup>5</sup> Other points in the community were under RCMP occupation, as they set up command posts to watch the native protesters.

presence in the public spaces of the English community, on the wharf, on the shore, and on the roads:

*They'd stand on the picnic tables down there at the shore, and they'd be having their lobster feeds, and music blaring, and loudspeakers and the whole nine yards, you know!...and I did say to the RCMP one day... that I feel that I'm being watched. Mostly they're just intimidating you.*

While the protest was, for the Mi'kmaq, a dispute over rights and sovereignty, one of its effects was to diminish the comfort and security the English residents felt in their own homes. Much of Canada was writing and talking about events in Burnt Church, yet people in the English community often felt that they were the only Canadians who actually understood the consequences of, and had to pay the price for, the Marshall decision. The violence of the dispute, and its presence in the public space of the English community, had a significant impact on people's views about native rights; the unpredictable responses of the Canadian government have led to a renegotiation of people's understandings of themselves as Canadians. The "end" of the dispute has led to a reexamination of values and priorities in the First Nation, as people seek new tools to meet the needs of their community. As a later section of this chapter will demonstrate, in the English village people have moved to reclaim the public space of their community, as Canadian rather than as occupied space, and with this, to reclaim their Canadian identity on their own terms.

### **Aboriginal Rights and Sovereignty in Esgenoôpetitj**

Rights and sovereignty were common values that motivated the people of Esgenoôpetitj during the dispute, and their commitment to these priorities is what allowed them to maintain their fishery for so long. People in the community have a very clear and articulate understanding of their rights as Mi'kmaq people, and how these came to be. The treaties which were the basis of the Marshall decision are public documents, hanging on the walls of some homes. Community discourse around the dispute highlights the importance of rights, as tools to call the Canadian and Indian Act governments to account; for some, rights and sovereignty enable them in the ongoing challenge of reestablishing Burnt Church as a Mi'kmaq place. The outcome of the dispute, a temporary agreement in which many people feel their rights were subsumed under the regulation of the Canadian government in return for boats, training, and money, did not address these concerns directly.

The Marshall decision upheld important treaty rights of the Mi'kmaq, particularly around access to the fishery. It recognized the right of Mi'kmaq people, under the Peace and Friendship Treaties, to earn a moderate livelihood by fishing. The dispute was, in a very real sense, a conflict over how this right would be exercised, and under whose authority and regulation. The few existing academic writings about the dispute focus on this issue, and on the importance of Marshall to treaty rights. Relying almost entirely on media reports and public documents to characterize the situation, Coates wrote an entire book about the dispute in the winter months of 2000, after the first season of violence. He articulates many of the practical problems that Canadians face, recognizing aboriginal rights in the complicated contemporary situation. As he was writing in what turned out to

be the very earliest days of the dispute, there is much that he was simply unable to address. Thomas Isaac, a lawyer, author, and former treaty negotiator for the province of British Columbia, argues that the decision of the Supreme Court in Marshall went beyond the bounds of a reasonable legal argument. He characterizes Marshall as flawed ruling, a liberal and intuitive reading of the treaties that recognizes native rights not explicit in the original agreement between the Crown and the Mi'kmaq (2001). Finally, Doyle-Bedwell and Cohen, two scholars at Dalhousie University, approach Marshall from legal, comparative and Mi'kmaq perspectives, endeavouring to balance insights from the Canadian legal system with those of traditional Mi'kmaq worldviews. They argue that [t]he current conflict over the Marshall decision illustrates the difficulties faced by the Mi'kmaq people and the federal government when the government fails to acknowledge the extent of its fiduciary obligation to include Aboriginal people in resource management decisions. (2001; 193)

In recent years, the Canadian government has devolved many of its fiduciary responsibilities to provincial and territorial governments. This presents many challenges to native communities, as they seek responsible relationship with a government that no longer recognizes some of its original obligations under the treaties.<sup>6</sup> For some with whom I spoke, the dispute was an effort to call the federal government to account for its responsibilities to First Nations people. People were seeking a relationship between the government and the Mi'kmaq people which upheld the principles outlined in the treaties, as they understood them.

---

<sup>6</sup> This is not only the view of First Nations people. For example, as this chapter was being written in April of 2007, Julian Fantino, the conservative head of the Ontario Provincial Police, publicly called the federal government to account for its lack of engagement with the ongoing First Nations occupation of a housing development site in Caledonia and of a gravel pit in Tyendinaga. The lack of federal response on these issues has meant that the OPP are the primary respondents to these conflicts. Fantino argues that land and resource conflicts are not primarily policing matters, but responsibilities of the federal government, and that the government's lack of accountability and engagement has put undue pressure and stress on his force (see, for example, *CBC News Indepth: Caledonia Land Claim* (<http://www.cbc.ca/news/background/caledonia-landclaim/index.html>)).

*The government, through the Indian Act and British North American Act, all these acts, puts the government in a fiduciary responsibility for the native people in Canada. ... they're trying to find ways to get rid of that traditional responsibility. ... OUR HEALTH, MEDICAL, USED TO BE UNDER THE FEDERAL GOVERNMENT, THEY UNLOADED US TO THE PROVINCE... THIS IS WHAT THE FISHERY WAS ALL ABOUT. TO TAKE A STAND AGAINST OUR RIGHTS ARE GETTING SMALLER AND SMALLER AND SMALLER, AND THEY'LL BE WORTHLESS.*

Concern for Mi'kmaq rights, and the Canadian government's responsibility to rights and rightful relationship, was articulated in literally every interview and conversation I had about the dispute in Esgenoôpetitj. The Marshall decision affirmed the community's own understanding of their history, and motivated them to act upon it, using rights as a tool to point to the gap in their relationship with the federal government.

With the signing of the interim agreement between the Indian Act and federal governments, more people in the community are now fishing, with proper gear, and this is positive for those who were concerned specifically with fishing rights.<sup>7</sup> Not all community members feel that the chief and council had a clear mandate to sign the agreement with the federal government. This agreement is seen as a mixed victory, since it allows for a native commercial fishery, but not under native regulation and governance. Some feel that their ability to continue to agitate for self-regulated fishing rights is undermined by the presence of fisheries officers from their own community, who work in cooperation with the federal government; *"we've just been put in a really good situation where we would be fighting each other."* Many argue that the benefits that were supposed to come to the community with the signing of the agreement were not distributed fairly to all, accruing instead to a few specific people aligned with the Chief and council, and to the non-native fishers in surrounding communities who were paid to carry out training for

---

<sup>7</sup> As outlined in Ch.1, the agreement provided boats, licences, money and training to the Burnt Church First Nation, in exchange for their agreement to fish under the regulation of the Canadian government and the DFO.

natives entering the fishery. But there are also some situations where the distribution of fishing boats to families in the community has made a difference to incomes and well-being. Criticism of the chief and council, and of the agreement, and strong feelings of despair and discouragement dominate the aftermath of the dispute for many, but for some others, slim hopes exist that the boats that are in the community now will continue to make some kind of small difference to the lives and incomes of people who can fish, even if this is not accompanied by a change in government or government relationships.

For those in Burnt Church/Esgenoôpetitj who are or have been proud of their identity as Canadians, the federal government's position in the dispute was a critical problem. Why was it that their own government refused to address their concerns? Why didn't their elected representatives take their concerns seriously? And what are they to do, now that their own government has shown it is violently against them?

*...they [our governments] don't see us as Canadians. They're looking at us as people that they have to put up with, because they moved to this country and they don't know how to deal with us.*

*But they know that they have to deal with the non-native people. And .. they think that the non-natives have more at stake because they're taxpayers. And because we're not taxpayers we don't receive... the same respect.*

The experience of the dispute, in which Mi'kmaq rights as outlined by the contemporary Canadian courts were not recognized by the Canadian government, reinforces the "outsider" status of the Mi'kmaq to Canada, especially for the people of Burnt Church/Esgenoôpetitj. In their own community, many people do not feel able to enact and regulate their rights in their own terms, as they had hoped and fought for. For many Mi'kmaq I spoke with, the Burnt Church First Nation remains a colonized place, where the will of the federal government disregards local indigenous interests.

Sovereignists in Esgenoôpetitj see themselves as members of the Mi'kmaq nation, and not Canadians at all. This more radical position, held by many of the community leaders during the dispute, is also grounded in the treaties. For sovereignists, it is precisely because the Mi'kmaq people never ceded any of their lands, or voluntarily extinguished any of their rights, that the legitimacy of traditional Mi'kmaq government over Mi'kmakik (Mi'kmaq territory) must be recognized. The dispute is not about fish, or only about fishing rights – it is about the right of the Mi'kmaq people to govern themselves, and Canada's systematic and historic denial of that right. Sovereignist resistance was not only against the Canadian government, but against the structures it imposes upon the community, including the elected chief and council.

The chief and council are elected and govern according to the regulations of the Indian Act, a Canadian colonial framework. The existing governance structure that had descended from the historic, pre-contact traditional government is the Grand Council (or Sante' Mawi'omi wjit Mi'kmaq), whose leaders are chosen through a community process which has nothing to do with the Canadian government, and goes unrecognized by them. The chief and council system is understood by sovereignists to be responsive to and an imposition of the Canadian government's colonial efforts, rather than a traditional government, which would arise properly out of Mi'kmaq culture and the will of the people. As Lloyd Augustine (Kwegsi), the Keptin or traditional chief explains it, the Grand Council is a form of Mi'kmaq government that has its origins in Mi'kmaq civilization long before colonization. Grounded in Mi'kmaq culture and traditional practice, and the will of the Mi'kmaq people, the Grand Council has been shaped since colonization by Christianity and British rule. For example, the names and titles accorded

to traditional leaders changed after the arrival of the British, in the hopes of influencing colonial powers. For other sovereigntists, such as gkisedtanamoogk, the accommodation of colonial interests by the Grand Council – he cites its move toward a more patriarchal and Catholic structure after colonization as an example – means that its contemporary form has diverged significantly from traditional understandings. Though precisely how “traditional” the Grand Council remains is contested, the importance of a traditional alternative to the Chief and Council system is a critical idea amongst all sovereigntists, regardless of their view of the Sante’ Mawi’omi. For some, the continued existence of the Grand Council serves as a reminder that such alternatives are possible, and as a connection to historic structures of Mi’kmaq self-government.

During the dispute, the traditional chief and other non-Indian Act community leaders were important figures in the work of the community. As the pressure from the Canadian government mounted over the years of the dispute, the power of the elected chief and council rose. In the band council elections of 2001, a sovereigntist leader at the forefront of the dispute ran against the elected chief and lost. With the signing of the interim agreement, the traditional and community-based leaders who had eclipsed the Indian Act chief during the dispute have faded from the forefront of community life. While the sovereigntist activists feel good about the stand that they took, the agreement that was made with the government does not recognize their goals of sovereignty, justice, and Mi’kmaq management of Mi’kmaq resources.

The “loss” of the dispute was profoundly challenging for those most radically committed to sovereignty. As the Indian Act chief and council reconsolidated their power in the community, those who gave leadership during the years of the dispute were shut

out of the economic life of the community in many ways. *“Most of the people that were involved, were basically used and then dropped. ... People that had jobs at that time, still have jobs now. But the people that didn’t have jobs, and they were in the forefront of the dispute, they have [no hope].”* People who worked full time in the dispute, for the needs of the community, often found themselves without work or support in the months after the dispute subsided. At the same time, as people in the forefront of the dispute, they had to cope with the aftermath of the tremendous stress and trauma from the conflict, and from the public scrutiny and vulnerability that they experienced. Relationships between some of these people cracked and broke. Some left the community in order to find work and support their families, or to heal, or to continue their commitment to activism for aboriginal people. And for most, the “end” of the dispute was a profound challenge to their hopes for their community and for the future of their people. They believe in the importance of what they did, and its significance for future generations, but have little hope that they will see change in their lifetimes. For these people, the signing of the interim agreement reinforced the marginalization of Esgenoôpetitj as a colonized place, and again marginalized those within the community, moderates and sovereigntists alike, concerned with larger questions of rights and sovereignty.

The perception that the dispute was lost when the agreement was signed, and with it many hopes for rights and sovereignty, as well as a sense that the community could be an agent of reform and change, precipitated shifts and changes in people’s worldviews and values. During the years of 2004 and 2005, people were quietly trying to make sense of all that they had experienced, and hoped for, as they got on with the other challenges of life. There are a myriad of ways that people worked through their experiences. Among

the people I knew and spoke with, responses included a deepening of engagement with traditional spirituality and practice, a shift in focus toward community and family well-being, and, for some, a turn to charismatic Christianity.<sup>8</sup> These overlapping approaches are directly tied to the concerns for rights and sovereignty that were acted on in the dispute, and demonstrate ways that people are trying to negotiate their concerns after the end of the dispute. There are not firm boundaries between the approaches I describe below; individuals and families may be doing one or two or all three of these things.

Concern for sovereignty and traditional practice was certainly not unanimous in Burnt Church during the dispute. Most people got involved because they believed that the ability to exercise their economic and resource rights under Marshall would improve the lives of the people in the community. There are simply not enough jobs for the people who live in Esgenoôpetitj; there is a chronic housing shortage; addictions and depression are commonplace in the community. In the view of many, fishing rights provided an opportunity for people to solve these problems on their own terms, to improve life for their families and their communities without waiting for government bureaucracies to do it for them. As people came together to take action during the dispute, many residents observed that conflicts and addictive behaviours within the community decreased. After the signing of the interim agreement, incomes increased for the families who got fishing boats, but things returned to the status quo for everyone else. The critical problems that people attempted to address through the dispute remain. Those who have energy for change focus on raising and educating the next generation, getting their children and grandchildren through high school and university. They do this, believing that it is the

---

<sup>8</sup> Here, as in other places, I must point out that there are certainly more responses than these – but among those whom I knew in the community, these are common and significant positions. I look forward to the time when more voices are added from the within the community itself about these times and experiences.

best thing for their children, and also for the long-term hopes of the community. Those working at the community level focus on healing the community's ills, addressing issues of addiction and despair. These concerns continue to motivate many in the community who are not religious at all, as well as those from all three religious communities, traditional, Roman Catholic and charismatic.<sup>9</sup> They have not stopped believing in their rights, and the importance of them, but with the loss of the dispute they have set aside activism for rights as their preferred tool for change, to focus on family and healing.

Traditionalists within the community, those who look to Mi'kmaq spiritual and cultural practice to shape their lives, have been working to reclaim traditional religion since the 1980s. They understand their place as traditional peoples, and their relationship to one another and to the land, in much the same way that Vine Deloria describes it in *God is Red* (1994). For Deloria, the Indian traditions are communal ones, rather than a choice of individual practice and commitment as in standard liberal theories of religion. The well-being of the entire community, including the non-human relations, rests upon the ceremonies as they are carried out by individuals and communities (1994, 83, 85). Traditional peoples have a moral responsibility for ceremony, a responsibility that extends not only to other people in their community, but also to place and to the planet (1994, 85). This sense of responsibility grounds those from Esqenoôpetitj engaged in the ceremonies, and in traditional cultural practices more generally. Traditionalists believe

---

<sup>9</sup> Meaningful statistics about the demographics of these groups within the First Nation are not available. Many people within the community would report as either Catholic or traditional, and very few as charismatic, but not all of these people are actively practicing. Among those who are actively practicing, there are many who participate in more than one of these communities, as will be discussed later in this chapter. The challenge of getting meaningful demographic data on this question is compounded by the fact that the Canadian government, who conducts the census, is not seen as trustworthy among many in the community (given for example the government's history of banning traditional practices and using its relationship with the churches to run the residential schools), and so any reporting to the government about religious practices would be compromised by this problem.

that through the ceremonies, new messages and understandings come to the people, messages specific to the community's life at that moment. In the aftermath of the dispute, Mi'kmaq traditionalists from Esgenoôpetitj turn to the ceremonies, but with a sense that their hopes will be fulfilled by future generations rather than in the immediate term. One person, for example, spoke to me a number of times about the importance of attending to the prophecies that had been given to the ancestors. Deloria describes the prophecies in his writing:

Long-standing prophecies tell us of the impious people who would come here, defy the creator, and cause the massive destruction of the planet. Many traditional people believe that we are now quite near that time. The cumulative evidence of global warming, acid rain, the disappearance of amphibians, overpopulation, and other products of civilized life certainly testify to the possibility of the prophecies being correct. (1994, 86)

The ongoing threat of fisheries collapse is interpreted by Esgenoôpetitj traditionalists as further evidence supporting the prophecies. The prophecies, the challenge of life in Esgenoôpetitj, and the outcome of the dispute, point together to a looming crisis, for traditionalists. This deepens the importance of their responsibility to the ceremonies, and of their work for healing.<sup>10</sup>

Many people in Burnt Church/Esgenoôpetitj are not engaged in the traditional ways at this deep level. But for some of those who are, the struggle remains, everywhere, constantly, guided by the prophecies of the ancestors, and through connection to the non-human relations.

*People experienced a lot of what our ancestors had talked about, the visions that used to take hold. And so we started experiencing much of that, personally. Even out on the water, it was the presence of the ancestor's boats, the human relations and the non-human relations. It was so evident, that spiritual part of it all was that reconnection to*

---

<sup>10</sup> This work for healing is fundamentally important within native communities, but also manifests itself as education and activism outside of Indian Country. Among traditionalist activists from Burnt Church, for example, some continue their work within the community, while others displaced in the aftermath of the dispute engage in the same work in other places across North America.

*the unseen life. And a better sense of total acceptance. Maybe it's not being practiced or remembered every day, but the kids are going to even make it more of a legend, you know what I mean?*

*It's gonna be bigger than, even what we know of today. ...In one sense, I think it's an experience I would never change, even though it's hard... – it's a balance always, it's a lot of deep wounds, deep hurt, [but] the other side to that is liberation and spirituality, spiritual liberation – something you can't hold [on to], but you know.*

The hurt of the dispute has refocused hopes on spirituality, and affirmed the importance of the traditional ways, for these people, though they do not expect change in their lifetimes. The work they undertook in the dispute and the ongoing importance of the ceremonies means that future generations will have the visions and the tools they need to make change, when the time comes.

Amongst other sovereigntist traditionalists, the loss of the dispute and the accompanying loss of hope for Mi'kmaq sovereignty over Mi'kmakik (in this lifetime) has precipitated a turn to Pentecostal/charismatic Christianity. Similarly to the traditionalists above, these people have come to believe that restoration of sovereignty and justice which they sought through political action, will now come only through spiritual action. For them, God's sovereignty on earth will, in God's time, lead to Mi'kmaq sovereignty over Mi'kmakik. This turn to charismatic Christianity in Burnt Church is not dissimilar to the adoption of charismatic practice in other indigenous communities. In Alaska, for example, Dombrowski has described how marginalized traditional peoples have turned to charismatic Christianity as an alternative to the state and forestry corporation-sponsored expressions of indigeneity that are taking hold in their communities (2002). He argues convincingly that these conversions are not examples of successful colonial missionization, but are in fact expressions of anti-hegemonic and anti-Western sentiment amongst marginalized Alaskan natives (2002, 1072). This analysis has

parallels amongst the indigenous Urapmin of Papua New Guinea, who, Robbins argues, have adopted Pentecostal/charismatic (P/c) Christianity as a response to their increasing marginalization after the arrival of Western-style development and culture within their region (2004). Amongst the Urapmin, Robbins suggests that the abandonment of traditional religion and the turn to P/c Christianity is due to the cultural humiliation that they experienced through colonialism. Humiliation is *not* how those engaged in P/c practices in Burnt Church understand their own experiences. For them, P/c practice often goes hand-in-hand with indigenist and sovereigntist politics, and for some, with traditional religion. Like the Urapmin, some Mi'kmaq have turned to P/c religion to help them negotiate their confrontation with colonialism. Unlike the Urapmin, those Burnt Church Mi'kmaq involved in charismatic practice integrate native and charismatic practices and identities, rather than trading one for the other. In Burnt Church, many who have turned to charismatic practice have done so as an expression of resistance to the current social and government order, and as a way to maintain their hopes for the sovereignty of Mi'kmaq people and governments in Mi'kmakik, as shown in detail below.

Studying Christian cultures, especially in indigenous communities, is a challenge as many students of cultural change tend to see Christianity as “the perennial outside force” (Barker in Robbins 2004, 28). Anthropologists have tended to separate Christianity from what is “really important” (i.e. traditional culture), seeing the adoption of Christianity as a loss of traditional culture, as an insincere accommodation, or simply as traditional religion in disguise (Robbins 2004, 30). This is especially true in the case of charismatic, Pentecostal or fundamentalist Christianity, which is so fundamentally “other” to the

academy. Harding suggests that this presents a profound challenge, because “to recuperate them [charismatics] to reasonableness by showing... that they make sense in their own terms would be to lose our assurance that we make sense in ours” (in Robbins 2004, 29). In Burnt Church, where I was committed to responding to all possible invitations, and being directed in my research by members of the community as well as my own interests, dispute leaders there told me clearly that if I was interested in their religion and worldviews, then I must attend to Pentecostal/charismatic Christianity.

As a newcomer in the community, I was introduced to some of the people who had provided leadership during the dispute, so that I might talk with them about my project and how it might come about. This included an introduction to Leo, who worked as head of the Rangers on the waters during the years of the dispute, and makes his living today on the waters, in the woods, and in addictions counselling. During my second visit to the home of Leo and his wife Audrey, they expressed quite an interest in my academic field, Religious Studies. They wanted to know if I studied the Bible. I explained my interest in religion as social one, an interest in how belief and practice are important in the lives of people and communities, rather than a theological one, concerned with interpreting God’s will. Despite this, Leo and Audrey invited me to join their Bible Study Group meeting that week.

I was not aware that charismatic Christianity was important to some in the community before I arrived in Esgehoôpetitj, but I found that my participation in this group helped me to understand much about how some negotiated meanings of the dispute and its aftermath. Robbins argues for the importance of understanding Christianity in cultural terms, and asking how it is that people live their lives as Christians (2004, 31-2).

This is what I was being invited to do in Burnt Church, as I participated in the charismatic Bible Study Group.<sup>11</sup> Many of its' members are leaders in the community, and were leaders on land and in the waters during the dispute. The group also includes people from the Roman Catholic parish on the reserve, St. Anne's, some who consider themselves traditional Mi'kmaq (including some sovereigntists), and others who have no religious affiliation. It's a place where theology, politics and family come together, often in unspoken collision. As an outsider, I have characterized this group as charismatic because their practices during my time with them included prayers for healing and laying on of hands, along with discussion and exploration of being "slain in the spirit" (an experience understood by believers as being transported to an alternate state of consciousness by communion with God through laying on of hands) and of speaking in tongues. Charismatic is not a phrase that these people usually use to describe themselves, (many prefer the term Christian) but I use it in order to distinguish their Christian practice from other possible models.

As strong, independent community leaders and members, these people have turned to charismatic practice. Why? What does it give them? How does it help them understand

---

<sup>11</sup> This Bible Study group was the largest and most stable of a network of home based bible studies in the community during my time there. In this particular group, the 6-15 members attended Roman Catholic and Pentecostal congregations, as well as some who had begun their own home and internet based ministry. The leaders are a retired white couple, Geraldine and Steve, who attend a Pentecostal Assembly further 'up river', and travel over an hour every week to lead this group. The meeting always begins with chatting and laughter as people arrive, usually includes singing for at least half an hour, and then moves into the teaching time, which is led by Steve. The teaching time is always focused on bible passages. Finally, the group moves into prayer, where the needs of people in the group and in the community are raised, and prayer happens with the laying on of hands, and sometimes with speaking in tongues. After the formal part of the meeting, a lunch is set out. The lunch is a Miramichi tradition for all groups, a meal of sandwiches, chips, sweets and coffee that comes at the end of an evening. The lunch is the time for deeper visiting, sometimes for further prayer or theological discussion, and for people to fortify themselves with laughter and calories for the drive home.

When I returned to Esgeᓃopetitj in 2007, this group was still meeting, though leadership of it has been taken on by people from *within* the reserve, and the location of the meetings had shifted to the Band Council Office.

their own lives and experiences? These questions are answered amongst many participants in the Bible Study Group through religious practices that are deeply Mi'kmaq and deeply Christian and deeply charismatic. Mi'kmaq Christianity, for Lloyd, the traditional chief and a core member of the Bible Study group, is explicitly an act of resistance against the oppression of Canadian society and the Indian Act governments. In fact, Lloyd would be uncomfortable with my use of the word Christianity – he calls himself a “follower of Christ”, as a way of separating his theological position from the history of Christian missionization in his community.<sup>12</sup> Lloyd's life is grounded by Mi'kmaq culture, including some of the practices of traditional religion, by his participation in traditional forms of Mi'kmaq government, and by his understanding of his relationship with God through Jesus Christ.<sup>13</sup> He sees his “walk in this path with Christ” as a Mi'kmaq path, like the path of traditional religion, and sees both as encompassed within Mi'kmaq identity and culture. *“We need to hang on to who we are as a people, we can't give that up. Paul [the Apostle] said “When I called you, I called you to stay who you are.””* Lloyd says that religion for him is not about “*playing church*” or “*playing tradition*”, but about the deep transformative power of talking with the Creator. In his view, these conversations with the Creator can be mediated through ceremony, as in traditional religious and cultural practices like smudging and sweat lodge, or directly through prayer, like the charismatic prayers of Pentecostal practice.

---

<sup>12</sup> Lloyd and Leo both consulted with me on a paper about these issues, and these characterizations arise from our resulting conversations, as well as Lloyd's response to a draft of this section of the dissertation.

<sup>13</sup> Lloyd talks about the ways that he and his family are threatened by the evil of the world (violence, drugs, poverty...); early in our relationship he spoke to me about the guardian spirits that walk with him and protect him and his family. He's described these spirits to me as traditional Mi'kmaq guardian spirits, and as the angels of God who, through prayer, gather around him, his family, and his home to protect them from evil. Lloyd believes that the Indian Act Governments (Chiefs, Band Councils etc.) were created to teach the people some lesson, which they still have to learn. When they learn this lesson they will be liberated from the corruption of the Indian Act system and its chiefs, since the Creator's purpose will be fulfilled.

Lloyd argues, “*Once you allow the Creator to talk to you and Jesus to become part of you and in you, then you see things in a different light.*”

For Lloyd, sovereignty and faith are linked in the face of the dispute. He believes that Ultimate sovereignty belongs to the Creator. Justice and self-government will come to the people of Burnt Church, but in God’s time, not our time. Charismatic Christianity is becoming a resource for resistance, a way to sustain hopes for the healing of the people and the restoration of their sovereignty. It brings to mind one of the songs sung at the Bible Study Group:

*In the name of Jesus, in the name of Jesus, we have the victory! Hallelujah!  
In the name of Jesus, in the name of Jesus, demons will have to flee!  
When we stand in the name of Jesus, tell me, who can stand against us?  
When we stand in the name of Jesus, we have the victory! <sup>14</sup>*

This spiritualization of a political struggle reassures believers that they *will* experience victory, if not in this world than in the next. It also justifies the current political inaction of these leaders – since feel that they have no control over when and how sovereignty can happen, it is better, in their view, to focus their energies on spiritual health and the healing of the community, necessary conditions for sovereignty. While Lloyd’s hopes for sovereignty in his own lifetime have been diminished by the signing of the interim agreement, he feels reassured of victory for his people, and for himself, through spiritual action which he sees as a-political.

During the dispute, the action taken was political, on the waters and in the community. In hindsight, some people characterize that political action with religious language, and emphasize the importance of the support of religion and spirituality. Lloyd and Leo are among the people who have said to me, “*If only we’d held out for a little*

---

<sup>14</sup> Author Unknown. I learned this song while participating in the Bible Study group.

*longer, the Canadian government would not have been able to stand in the face of what they did to us.*” Instead, the agreement has become another example of the injustice of the Canadian government (and the corruption of the Indian Act governments) carrying the day. For now, they feel exhausted with politics; they, along with many others in their community, risked everything for sovereignty, including their lives and their communities’ safety, and now they see little change. They look for other ways to make a difference. Leo and Lloyd, and their families, now believe that the best avenue for change is not political, but spiritual; prayer, anointing, healing, revival. They have transformed the issue of sovereignty into a spiritual one, and believe that following a spiritual path is the way to political freedom.

From my perspective, the spiritual lives to which these men have turned remain political. They look for transformation in government – through prayer, and through attempts to convert others to their views. They continue their connections to activist and advocacy groups. Their charismatic practice is a political position, one that might be seen as a “last stand” against intransigent Canadian and Indian Act governments. As Lloyd articulated earlier, his practice as a “follower of Christ” reinforces his identity as a Mi’kmaq man and leader. Within the group as a whole, during the year I attended meetings, conversation and prayer about the well-being of the larger reserve community was common, as was prayer for the transformation of political structures within the reserve, and for the elected chief and council specifically.

After the dispute subsided, people continued to speak proudly of their actions in the dispute, and link these actions to their religious lives. In the winter of 2005, I heard Leo give his “testimony” at the Pentecostal church in Tabusintac, where he was then a

member. Testifying is an oral practice within Pentecostalism, the telling of the story of one's life and God's work in it. In his story, Leo spoke of the dispute, saying that in working for the community on the waters he was doing the Lord's work. This is particularly significant because his audience, the congregation, was entirely non-native, many from fishing families (both English and Acadian) whose members would have acted against the First Nation during the dispute. In his testimony, Leo characterized his sovereigntist political activism on the waters of Miramichi Bay as work for God.<sup>15</sup> He described how, while he was on the waters supported by the prayers of his community, Satan was always there tempting him. In Leo's characterization of that time, the temptations of Satan were the temptations of anger, rage and violence; the work of the Lord was the work of enacting his people's sovereignty and justice. His wife Audrey spoke often of how the anger of the dispute was tamed and channeled by prayer. In conversation, Leo talked about the anger that he felt during the dispute, and the tension he felt between being sustained by anger and being sustained by faith. Audrey explained that although Leo had a lot of anger at the injustices they were experiencing,

*"He was at the stage where he had faith that God was gonna protect him [on the waters and in the conflict]. Because he was praying at that time, he was he was getting more filled and filled each day as he went out there too. It wasn't anger any more after that; he was gettin' filled praying and acting for God and everybody in this reserve prayed. Everybody. Even myself, day and night, praying all day long. And, everybody was praying and that was what kept him safe."*

During the dispute, the action which many took was political, on the waters and in the community. In hindsight, they characterize that political action with religious language, as Audrey does here, and emphasize the importance of the support of religion and spirituality, both personally and to the community. In this sense, charismatic "follower of

---

<sup>15</sup> This includes direct action against the RCMP, Department of Fisheries and Oceans, and commercial fishers from neighbouring (non-native) communities.

Christ” positions are acts of resistance, which allow sovereigntists to resist the Canadian government and, at the same time, develop strong relationships and alliances with Canadian charismatic people, with whom they worship and study.<sup>16</sup>

### **Rights and Nationalism in English Burnt Church**

The argument that native rights were the reason for all of the upheaval of the dispute did not appease or convince English residents that what they were experiencing was justified. The catch of native fishers was being sold openly on the wharf to local buyers.<sup>17</sup> Under the terms of Marshall, to those supporting a native rights position, this was the way in which native fishers could earn a “moderate livelihood”, as they were allowed under the Court’s decision. Under the regulations of the D.F.O., this out-of-season selling was illegal poaching. For many in the English community, this financial exchange was simply open confirmation that the concerns of the protesters were not about rights, but were about money. One English fisher argued that “*the ones that weren’t fishing, but were fighting for it. I would say to them it was rights. The ones that were fishing, [it] was money. It had nothing to do with rights.*” Others were not convinced by the argument that natives had been historically shut out of access to the fishery by the federal government and its policies. They recalled that many natives were lobster fishers before the 1950s,

---

<sup>16</sup> It is interesting to chart these alliances with Christian groups through the dispute, depending on the needs of the community. Christian Peacemaker Teams was important at one time – but they didn’t remain in the community after the dispute. The people who are still around are the charismatic and Catholic communities – the radical, left-leaning Protestants are mostly absent.

<sup>17</sup> This is the usual system in the commercial season. Fishers come in with their lobster catch, and buyers or their agents are set up on the wharf to receive and purchase the catch each day. The buyers sell the catch into the processing (canning) or retail food systems.

until the fishery went through a downturn, and they sold their licences and left the fishery.<sup>18</sup>

*... that's why there was nobody fishing on the reserve. It had nothing to do with their right ... Nobody ever, ever, told them that they didn't have the right to fish, they had the same right as anyone else to fish – as long as they did it during the fishing season, the proper season....*

For these people, the argument that native rights needed to be enacted to remedy the historic discrimination which had prevented natives from accessing resources in the past, was unconvincing. They believe that it was not discrimination that prevented natives from fishing, it was their own actions, leaving the fishery as they did. For these people, native rights are not something that they see as a legitimate challenge to the authority of Canada's federal regulation.

Not everyone in the English community has a conservative view of native rights. There are some who acknowledge the historic tensions between the two communities, and the separation between them, and who believe that their native neighbours have faced discrimination. These people wish for the possibility of some relationship between the two communities, some way to work together. They believe that increased employment on the reserve would be good for the people there, and for their relationships with the English community. But in the winter of 2004-05, when I was in Burnt Church, not many of these people felt hopeful that such a turn in the relationship between the two communities would be possible. One person argued that the threat that so many in the English community felt from the First Nation, and their resulting need to protect their own community, would prevent any real change. Perhaps, this person said, something would change with another generation, *“but overall... I really don't see it in the near*

---

<sup>18</sup> The source of this particular downturn is not clear in the stories related to me.

*future.*” These people are willing to think seriously about native rights, but also want the concerns of their own community to be taken seriously in the process. They have a moderate view, willing to recognize the experiences of their native neighbours, but wanting at the same time to ensure that their own community’s needs are attended to.

Over time, the threats and protests of the dispute strongly affected the daily lives of the residents of the English community, and their views not only of their native neighbours, but of their government, and eventually of themselves. This is illustrated by the mixed effects of the presence of the RCMP in the village. A delayed response from the RCMP when they were called to a violent altercation between natives and non-natives in the English community gave many the sense that the RCMP were not really there to help them, anyhow. This was reinforced by what some residents were told by officers assigned to their community during the dispute. On the one hand, the RCMP and DFO said they were there to protect non-native residents and the fishery, and on the other they said that no protection was possible, as they were not allowed to enforce the law with the native protestors past a very basic point. People began to feel frustrated by what they saw as a double standard – the laws and fisheries regulations of Canada were being enforced upon them, but not upon their native neighbours.

*...If they're allowed to fish illegally, everybody should be allowed to fish illegally. They can't have one law for me and one law for them and one law for the next person. If they've got a law, everybody's got to abide by it, in my way of thinking. You can't have different laws for different people depending on your race, colour and creed. ...If you're going to keep peace in the communities where you're so adjacent to each other, you've got to have one law for all.*

This “double standard” is seen by some as a slippery slope, something that, once begun in the fishery, will creep into other resource sectors (forestry, mining...), and become an uncontrollable problem of greed. From the perspective of the English residents of Burnt

Church, the government was not enforcing the laws of the land, since the protests and fishing continued. Canadian government agencies and elected representatives were no longer necessarily allies for local residents.<sup>19</sup> For the people of the English Burnt Church, the shock of confronting their neighbours' deep dissatisfaction with the status quo was only compounded by the realization that their elected governments were not prepared to deal effectively with the situation. The dispute destabilized not only the local identity of these people, but their national identity as well.

For many in Burnt Church, the problems of the dispute were problems created by the federal government. Some felt that the political and policy making apparatuses of the government were responding to pressures from elsewhere in the country, rather than the experiences and concerns of local voters. The decisions of the Department of Fisheries and Oceans, for example, have been shifted to Ottawa, and out of the hands of local offices and officers. Some saw the local MP as responsive and concerned, but though he was a member of the ruling Liberal party, his was not a significant national voice during the dispute. Officials based in Ottawa were thought to be much more responsive to public opinion in Ontario, Quebec and the West, where there are many seats and voters, rather than in northern New Brunswick, where the impact of their decisions was actually felt. *"There's not too many voters here. What's in New Brunswick, six seats or something? So it doesn't really matter to them."* This sense of the disconnect between local, sympathetic government employees and disinterested Ottawa bureaucrats was compounded by the duplicity that local commercial fishers and others saw in communications from the DFO

---

<sup>19</sup> This problem is further complicated by the importance of Conservative and Liberal party politics in the local area, and the lack of an effective municipal level of government. While there are elected MPs and MLAs for the region, there is no local municipal council, like a village or a township. The maintenance and practical needs of the community are the job of the region, but the region does not function as an active elected government.

and the RCMP. Commercial fishers would get information from local officials about catch rates in the native fishery, and then hear much lower numbers being released to the public.

*...What DFO was saying, to the public, is not what was in their memos. I have copies of a lot of it. ... Most of it's blacked out, but you know what the feeling is. It was nowhere near what they were telling the public. Nowhere near at all ... it was two different agencies.*

This contradiction in the information that residents were getting from the government only served to reinforce the perception that the two different communities of Burnt Church were getting different treatment – and to the English community, it seemed that they were getting the short end of the stick.

*...The whole dispute is one race of people getting everything for nothing, and another race of people having to work and pay taxes, and hardly making a living at it.*

The people in the English community who took action to protest during the dispute, did so because they believed that the Canadian government should be upholding one law for all people, and that there was no basis for different treatment of aboriginal people. They blamed the government for creating a situation of dependency on reserves, by giving handouts to native people. The dispute was a profound threat to the continued prosperity of the English community, and raised the spectre of their displacement from their waters and perhaps even their lands.<sup>20</sup> In this context, the defensive posture maintained by so many English residents is not surprising.

The perception that the government created the problems in Burnt Church has led to a renegotiation of the English community's relationship to government, and its sense

---

<sup>20</sup> These concerns connect very specifically with concerns about resource conservation, and the ability of residents to make a living in their traditional occupations, fishing and forestry. This will be explored in depth in the next chapter.

of national pride and identity as a Canadian community. People have an increased distrust of government services, especially policing, and of their reliability. Local residents believe that it has fallen to them to reinforce the notion of the village as a Canadian place, where Canadian laws, values and history matter. For example, among some in the English village, there is a perception that the justice system is not fair or responsive to their needs and concerns.

*When are we going to get a fair justice system? [Laugh]*

*Don't know when that would be.*

*... The justice system, I always thought before it was fair to everybody, but not anymore. It's crooked.*

*Think if they got a new justice system out, or [one that could] be equal, like, with everybody, then it might change. But before that, I don't think you can get anyone around here to call the cops to come protect them, they protect themselves, I think.*

Many people hold this view, that there is no point in calling the police or 911 if there is a problem, that you will get a more safe and satisfactory response by taking care of matters yourself. In one home I visited, a hand painted wooden folk art plaque hung on the wall, part joke, part true sentiment. It was decorated with a 2 inch wooden machine gun, and read “*Miramichi N.B. – we don't call 911.*” This dissociation from the government and its police is a specific breaking point, arising out of a broader sense of the mismanagement of the dispute by the government. This break seems particularly acute in a community with a high number of retired service people among its residents, people who have been engaged in Canadian judicial and enforcement structures throughout their professional lives. Linked with this anger and sense of injustice is also a sense of lamentation, for things as they should have been. As one resident wrote in a poem:

We are not important to the Government,  
And we are left here in the lurch  
We are the forgotten people who are being sacrificed,

The people of the other Burnt Church. (Adamson, unpublished document)<sup>21</sup>

This sense of loss, and lack of support from the government, has not sparked an independence or sovereigntist movement, as has happened in other Canadian communities. Instead, English residents see that it falls to them demarcate their community as a Canadian place, where Canadian laws and values are paramount. This is, perhaps, an important way to understand the initial protest of English residents at the onset of the native fishery in 1999, which resulted in so much violence. In the absence of significant government action, it became important for people to claim their place as theirs, as Canadian space, and their protest with Canadian flags and placards was the way they chose to do this. In the absence of consistent policing, people began to believe that maintaining the law was up to them. In the absence of a positive Canadian presence in Burnt Church,<sup>22</sup> residents continued to reinforce the Canadian identity of themselves and their place through public rituals and events.

During my year in Burnt Church, there were two major public events in the English community which marked the significant contributions of residents to Canada, and marked the place as Canadian. The first was a major Remembrance Day ceremony, which included the installation of a cenotaph commemorating the contributions of veterans to the World and Korean Wars, and to Canadian peacekeeping efforts. The cenotaph itself lists the names of over 125 veterans from Burnt Church, the Burnt Church First Nation, and the neighbouring English village of New Jersey, and includes etched photos of five men killed in action in the Second World War. The installation of the

---

<sup>21</sup> A longer excerpt from this poem is included in the Appendix.

<sup>22</sup> This critique of Canadian absence was focused on the government, as indicated here, but also included critique of neighbouring communities, as discussed in Chapter 4, and of Canadian activists, elaborated in Chapter 5.

cenotaph at the main crossroads of the English village on Remembrance Day included a parade of veterans from all three communities, and was attended by residents of all three communities. The cenotaph serves as a constant public reminder of local people's contribution to Canadian war and peacekeeping efforts.<sup>23</sup> The crossing of community boundaries to include native veterans in this memorial was a significant challenge for the locals of the English community who organized the cenotaph, and was made possible through the diligence of one interested non-native person. The monument sits at the heart of the English community, marking this place as Canadian, importantly and unusually, including people from both Burnt Churches within this Canadian place. For English villagers, the installation of the cenotaph, including native and non-native people, was an important step in nationalizing all of Burnt Church, post-dispute, as a Canadian place.

The community celebration of Canada Day is also an important event in nationalizing the English village of Burnt Church as a Canadian place. In 2005, plans for Canada Day got started long before July 1. In the late winter, the community got together and put on a variety show which packed the Women's Institute Hall, a successful fundraiser for Canada Day events. This was followed in the spring by a giant community garage sale in the WI Hall, also organized as a fundraiser by the Canada Day committee. In the days leading up to July 1, every home in the village was festooned with Canadian flags, maple leaves, and red and white banners, in anticipation of the celebrations. Canada Day itself was kicked off with a parade, followed by a picnic and games, with fireworks and a bonfire along the shore in the evening. The parade was a major event, passing all of the important public spaces in Burnt Church. It started at St. David's

---

<sup>23</sup> Many Mi'kmaq also have served in the US Forces, and their names are not on this monument to Canadian veterans.

Church, turned at the old school and cenotaph, and then proceeded down past the golf course to the wharf, where it turned around and headed back to the WI Hall. Almost every person from the English community was in the parade; children riding bikes; men driving fancy cars; the square dance club dancing; banner carriers; the seniors' club and others on homemade floats. In fact, participation in the parade is so important that few people are left to watch it, and cheer on the marchers. The parade is a community proclamation: This is a Canadian place! This is our place!

The creation of the physical structure of the cenotaph further cements the relationship of the settlers to their place, post-dispute. Casey has argued that "the very intertwining of culture and nature as it arises in oriented constructions specifies a fundamental aspect of place itself" (1993, 36). In this case, the construction of the cenotaph is intended to cement the relationship of the settlers to this place, by invoking the names and images of those who risked or lost their lives in wars. The cenotaph reads, in part, "*May we never forget their sacrifice; They served in many lands and returned peace to many nations.*" The invocation of this sacrifice, on a monument constructed by the community and installed at the centre of the village, is intended to sacralize the contribution of these men and women to their nation, and to this specific place. The cenotaph itself reclaims and sacralizes the relationship of the English residents and their ancestors to their place, Burnt Church, and defines the "sacrifice" of natives and non-natives alike, as Canadian.

Basso argues that sense of place, in "its social and moral force may reach sacramental proportions, especially when fused with prominent elements of personal and ethnic identity" (1996, 148), such as those expressed through the memorializing of

sacrifice in war, or through local cultural festivals such as the Canada Day celebrations. He suggests that communal relationship to place can be expressed and created through “recurrent forms of religious and political ritual” (1996, 109). Both the installation of the cenotaph at Remembrance Day, and the Canada Day Parade were important political and religious rituals in the community of Burnt Church, which endeavoured to re-establish a contested place as a Canadian one. The military uniforms and protocols at Remembrance Day, and the Canada Day regalia on people and houses function as important signifiers of identity; the parade marks out the relationship between people and place. The power of these rituals is as Basso suggests, as sacraments of place; whether overtly, as in the installation of the cenotaph, or implicitly so, as in the Canada Day celebrations.

Working as a sociologist of religion in the United States, Robert N. Bellah introduced the notion of a “civil religion” (1967). By “civil religion” Bellah does not mean religion in general, nor some form of national self worship but [as] the subordination of the nation to ethical principles that transcend it in terms of which it should be judged. I am convinced that every nation and every people come to some form or [sic] religious self-understanding whether the critics like it or not (Bellah 1991, 168).

Bellah argues that it is through “civil religion” that people attempt national self-understanding. In this sense, the public expressions of the English residents of Burnt Church at the cenotaph and on Canada Day, attempts to address the disjunctures in their self-understanding as Canadians resulting from the dispute, could be characterized as engagements with civil religion. People in the English Burnt Church are working to resolve the threat of their displacement, and the lack of support from their government, by enacting and ritualizing their sense of this place as a Canadian one, memorializing

their historic commitments to (and sacrifices for) the nation, and nationalizing local places.

The dispute in Burnt Church highlights the problem of contested places. In a place inhabited by two separate communities, with different ties, histories and relationships to place, this contestation is negotiated, at least in part, by a turn to questions of rights, sovereignty and nationalism. Within the First Nation, reclaiming rights and acting for sovereignty is a way to restore what has been lost, where possible, and a way to agitate for just and rightful relationships with the Canadian government in the future. Within the English community, instantiating the Canadian identity of Burnt Church is a way to reclaim and re-characterize place, post-dispute. For both communities, the rights-based or nationalist positions of the others can open possibilities for relationship, as in the inclusion of all groups of veterans in the cenotaph. More often these positions are seen as threatening, and close off opportunities for engagement. The discourse of conservation is also a way in which the two communities present their competing senses of place; as Chapter 4 elaborates, the discourse of conservation, which seems (to non-locals) to demonstrate concerns and experiences common to the communities of Burnt Church/Esgenoôpetitj, often served in the dispute to reinforce division and difference between the two. Stefanovic has argued against “static notions of perfect places”, suggesting that a focus on strong boundaries and exclusion of difference can lead to the destruction of place (2000, 115-6). The question remains, as people in the Burnt Churches negotiate place and identity post-dispute, whether the turn to healing, Mi’kmaq tradition and charismatic Christianity, or the turn to Canadian nationalism, can provide a

foundation for shared concern or will become static divisions, reinforcing the opposition of the two Burnt Churches.

## Chapter 4

### Conservation, Power and Place

In 2002, after many months of consultation, the report of the Miramichi Bay Community Relations Panel's investigation of the conflict in Burnt Church was released. This report documented many of the concerns that local natives and settlers had had about the dispute. It was this report that prompted the chief official of the Department of Fisheries and Oceans in the region to comment, "Perhaps it never really was about fish," as discussed earlier (CBC 2002). Indeed. As I have shown, the issues at the heart of the dispute are issues of place and displacement, indigenous rights and sovereignty, and perhaps also Canadian nationalism. Yet during much of its dealings with communities involved in the dispute, in its public positions and in the parameters it set for mediators such as the Miramichi Bay Community Relations Panel, the Canadian government persisted in defining the dispute as "about fish." The government positioned access to, and conservation of the lobster fishery as the key issue to be negotiated and discussed, and disallowed other topics from the conversation.<sup>1</sup> For people in both Burnt Church communities, this meant that some of their most important concerns would remain unaddressed, unless presented as a dimension of conservation.

In previous chapters the importance of place in the dispute, and of religion and values as dimensions of place, have been demonstrated, though these concerns were often implicit or unacknowledged in the public discourse. The discourse of conservation demonstrates local attempts to explicitly articulate their concerns for place in nationally acceptable terms and frameworks. This exploration of the meanings of conservation is an

---

<sup>1</sup> For an example of these parameters, see the terms of appointment of the Miramichi Bay Community Relations Panel, as outlined in their final report, where "the Panel's mandate specifically excluded any dealings with aboriginal rights" (Augustine & Richard 2002, 7).

attempt to get at the implicit values being contested in the dispute; these values are not necessarily religious, in that they are not explicitly related to religious traditions or practices, but they arise out of place, and people's sense of place, and are therefore important to attend to.

During and after the dispute, the conservation discourse reflected not only the concerns of the Burnt Church First Nation and village, such as access to livelihood, and their critiques of the federal government, but also attempts by both groups to win allies to their respective positions. The imposition of this discourse on the communities must be understood as a dimension of the historic processes of colonization, and of the ongoing marginalization of indigenous and rural communities through globalization. Though it can tend to silence local values and priorities, the global conservation discourse also became a critical tool and framework in the attempts of the Esquimalt First Nation and the English village of Burnt Church to get at least some of their concerns on the table. Interestingly, though the divisions remain between the two Burnt Churches, the discourse of conservation also reveals values shared by both communities.

### **Colonization, Globalization and the Discourse of Conservation**

In the philosophical literature on place, the archetypal stories of violence done to place are almost always stories of the displacement of indigenous people through colonization. Casey chronicles the devastating impact of the twentieth-century displacement of the Dineh (Navajo) from their traditional lands and territories (1993, 34-39). Malpas begins *Place and Experience* with examples of the significance of place to Aboriginal Australian and Maori peoples (1999, 2-4). Stefanovic argues that no societies

better understood the power of place than indigenous or aboriginal societies (2000, 113). Basso's exploration of place within the White Mountain Apache has become *the* ethnography of place for many authors, including myself. Basso is not the first to argue that the significance of place is often taken for granted, and only becomes apparent when we are deprived of these attachments (1996, xiii), as indigenous people have been through colonization. Authors such as Casey, Malpas and Stefanovic draw on these insights from indigenous cultures in their exploration of place and displacement, and their significance for contemporary Western society (and philosophy). Casey points out that "the sufferings of contemporary Americans... uncannily resemble... those of displaced Native Americans, whom European Americans displaced in the first place" (1993, 38). This resemblance is a critical question in the discussion of place and displacement. It is not that settlers are *like* indigenous peoples, or that there is some sort of convergence over time between the two cultural groups, erasing difference. Rather, the same *processes* which subjected so many aboriginal people to displacement, are now also displacing some within settler society. What was visited by settlers on indigenous societies through colonization is now reproduced in a more moderate form within settler societies with the expansion of globalizing, colonizing modern powers.

Colonization is a process done to places, and not simply to people. In Canada, one of the primary projects of the colonial governments of Britain and the early Dominion (as Canada was known after 1867) was the signing of treaties with native people, for rights to land and landscape. As I have argued in an earlier work, the colonial governments of those days believed that indigenous peoples were doomed to die out, in the face of superior British-Canadian culture, leaving the land vacant, ready to produce wealth and

inspiration for the settlers who would take it over (King S, 2004). Over time, the colonial government in Canada removed indigenous people from their lands onto reservations, and disrupted their traditional forms of livelihood in, and relationship to, place.<sup>2</sup> Casey has argued that place is a cultural complex arising from the epicenters of body and landscape, that place consists of embodiment, landscape and culture (1993, 29). It was upon these three dimensions of indigenous life that colonialism was focused. Colonialism acted upon indigenous bodies through disease, through laws, and through the physical removal of native children to residential schools for “re-education”; through the removal of indigenous peoples from their traditional lands and landscapes; through the outlawing and regulating of traditional practices, and by separating indigenous cultures from the places in which they had meaning. Appropriating indigenous places was *the* primary purpose of colonization.

Historically, this process of appropriating place, and re-inscribing it as a colonial landscape can be seen in colonized places around the world. In Egypt, Mitchell has described the colonial project as one that “inscribes in the social world a new conception of space, new forms of personhood, and a new means of manufacturing the experience of the real” (1991, ix). Trouillot explores the making of Haitian history as a process of power and colonization which silences people and remakes their places in the terms of the colonizers (1995). In India, Guha traces the roots of contemporary peasant resistance movements to the colonial period, arguing that Eurocentrism shapes contemporary globalized forestry in forms continuous with its power in colonial times (1989a). He goes on to suggest that Western conservation movements, especially those inspired by deep ecology or concerned only with saving large fauna (such as tigers) but not people, are

---

<sup>2</sup> See Adlam 1999 and Paul 2000 for a discussion of this process in Mi'kmaq communities.

equally problematic in that they represent another effort to impose Western values on a globalized south (1989b). In a very important sense, the discourse of conservation, though positioned as a resistance to the powers of globalization, is in many ways itself a dimension of the globalizing discourse. The processes of globalization and development are modern incarnations of colonialism, displacing indigenous and other marginal peoples for the sake of capital and conservation, much as earlier colonial processes displaced people for wealth and inspiration.

In North America, the connections between colonial and global powers are even more clear, as our globalizing nation-states are not post-colonial; settlers have not left, as in India or other places in the global south, but remain in power and in residence. The significance of the ongoing presence of colonizing and globalizing powers and governments has been explored by many indigenous authors in the Americas, including Thomas King (2003), Taiaiake Alfred (2005), and Vine Deloria (1994). Historic colonial efforts to appropriate place continue in the present through the development of a globalized economy (led by colonial powers such as the United States, Canada and Britain), and a globalized conservation discourse (led by conservation groups headquartered in these and other countries). For indigenous peoples, the dual oppressions of globalism and colonialism combine in the conservation discourse to recreate and romanticize indigeneity. In those few wild places that have been “granted” to indigenous peoples, natives are supposed to live as the epitome of deep ecological and conservationist principles, a living museum of subsistence behaviour, while the rest of society goes on about our business on the rest of the land.<sup>3</sup> In this view, indigenous

---

<sup>3</sup> For further discussion of this point, see, for example:

people do not desire or need to participate in the larger economy. This romantic view of indigeneity can be used to advantage by indigenous peoples seeking to mobilize the sympathies of non-native allies. This can be seen in the adoption of traditional dress by Cape Breton Mi'kmaq for political appearances against Swedish forestry corporations in Sweden, as Hornborg has discussed (1998), or through the presentation of indigenous Amazonian identity in popular forms to mobilize allies, as Conklin has explored in great depth (1995, 1997, 2002). At the same time, as Dombrowski has shown in Alaska, the conservationist discourse serves globalizing corporate and national interests, by reifying and limiting what it means to be indigenous (2002). In Esqenoôpetitj, where community concerns about rights and sovereignty found little purchase in the public debate, the discourse of conservation became the framework within which political positions were articulated and contested, allies sought and opponents challenged.

This modern effort to colonize and globalize places has led to the displacement of non-indigenous people, settlers, on two fronts. As many philosophers of place have pointed out, people in modern western societies experience a sense of placelessness because "all modern places are essentially the same: in the uniform, homogenous space of a Euclidean-Newtonian grid, all places are essentially interchangeable" (Lassiter in Casey, 38). This is the McDonalds-ization or Wal-Mart-ization of our communities, when the goal of development is to reproduce precisely the same location and experience in every landscape. On a social and cultural level, we in the West are encouraged to seek this uniformity of place. More significantly for our study of the Burnt Churches, we have begun to marginalize communities *within* our society, when their relationships to place

do not fit within the dominant homogenizing paradigm. Rural communities are fundamental misfits, as they often have a relationship to place that resists homogenizing. As Vandergeest and DuPuis have argued in their introduction to *Creating the Countryside*, rurality is often constructed as if it is in opposition to urban life, where rural communities are natural, peripheral and in the past, as opposed to the cultural urban centres of the present (1996, 3). The meaning of rurality is constructed largely by dominant groups outside of rural communities, while rural people themselves are marginalized because their self-understandings do not fit within these pictures of rural life. Political and economic powers, and those who challenge them such as environmental groups and NGOs, are all situated in cities, and while their accounts may oppose one another, neither group usually attends to the perspectives of rural people themselves (1996, 6-7). The conservation discourse coming from these power centres often continues to link rural communities with nature, as communities of the past and separate from society, a conservationist “vision that saves and purifies nature by eliminating the social, including local histories of human activities” (Vandergeest & DuPuis 1996, 14). In this view, natural spaces are supposed to be “free” of people, other than the few subsistence-dwelling aboriginals discussed above. The complex relationship between rural people and place is overlooked in favour of the ideologies of conservation, which divide the human from nature and the urban from the rural. Rural communities that were once the agents of colonization, transforming the landscape and recreating indigenous places as their own, are now finding their lives and livelihoods under threat from the forces and governments they were a part of. In a U.S. example of this phenomenon, Devan Peña explores the importance of longstanding community water networks (acequia) in the villages of land-

grant Hispanic communities in Colorado and New Mexico. He describes how the enclosure of the commons and the resulting dramatic timber harvest, the “degradation of [their] homeland by the forces of modernity and maldevelopment” (2002, 61) has changed their place so profoundly that the people feel it as *susto*, or loss of soul (2002, 66). In Burnt Church, the residents of the English village find themselves facing the forces of industry and government which use the conservation discourse to gloss over the needs and concerns of their community, and the challenge of conflict with indigenous neighbours who are seen much more favourably by environmentalist and NGO actors. They respond to this challenge by finding ways to characterize their concerns for livelihood, and their critiques of the government and the Mi’kmaq, within the discourse of conservation, so that their needs might be received in a more favourable light.

Casey has suggested that the solution to our modern problem of place lies not in nostalgia or exoticism, but perhaps “in a belated postmodern reconnection with a genuinely premodern sense of place, a sense such as the Navajo once had and may lose altogether unless something is done to restore them to their land” (1993, 39). The suggestion that indigenous communities are under threat and at risk of extinction is implicit in Casey’s argument. As Peña has acknowledged, in present circumstances it seems easy to “confirm a prognosis of a disappearing culture” (2002, 71), much as the early colonists of Canada did. But the displaced cultures and communities of aboriginal people have not disappeared; they are engaged in a vibrant regeneration and resurgence across the country. Displacement in modern times is a political problem, which cannot be solved simply with a reconnection to a premodern spirit of place. Certainly, in individual places, people and communities engage in the re-inhabitation of place in ways that are

religious, or involve public ritual, as discussed in the preceding chapter. Yet these same communities, like the Burnt Churches, are simultaneously developing positions of political resistance which are clearly linked to their place-based and religious identities. Indigenous senses of place are qualitatively different from rural senses of place, as the experiences of colonization within indigenous communities are different from the experiences of globalization in rural communities. What communities such as those in Burnt Church share is that, in the present, they are both marginalized and displaced by similar processes of power. While the Mi'kmaq residents of Esgenoôpetitj have a long and complex experience as the objects of colonization, members of the English community whose ancestors were the agents of colonialism on these lands now find themselves objects of its new, urbanizing, globalizing form.

In this context, the discourse of conservation becomes an important political tool for the residents of both communities. During the dispute, the members of each community strove to articulate their concerns and justify their positions in terms that would be easily and sympathetically understood by outsiders, and familiar in global discourse. The conservation of the lobster fishery became a key framework for such arguments in both communities. In the preceding analysis, I have suggested that the greatest threats to the sustainability and emplacement of these two communities lie in colonialism and globalization. Throughout and after the dispute, the residents of the two communities continue to see one another, as well as the government, as significant threats. Their conservation discourse draws out both of these targets, using a globalized language of conservation to represent local interests.<sup>4</sup> Conservation is a framework that

---

<sup>4</sup> Within the field of environmental ethics, the distinctions between a “conservationist” ethic, such as that of Pinchot, and a “preservationist ethic”, such as that of Muir, suggest that “conservation” involves active

members of each community use to make their concerns and values more convincing and acceptable in the public context, and to reclaim and re-instantiate their power in their particular place. For some, conservation is necessary to preserve (or to create) their livelihood; for some, conservation is grounded in a critique of government. For some, conservation calls for, or is code for, social controls exercised upon their communities; articulating a conservationist position is a way to seek allies in resistance.

### **Livelihood**

Conservation is not primarily important in English Burnt Church as a value in itself, or because locals have a deep connection or identification with the fish stocks, as suggested by deep ecology; such ideas were never mentioned in any conversations during my year in Burnt Church.<sup>5</sup> Conservation is important because it protects people's livelihoods. Following the rules of the Department of Fisheries and Oceans and implementing their own local limits are ways that people in the fishery agree together to

---

human intervention in natural landscapes, through management, while "preservation" leaves the land unto itself, free and wild (Desjardins, 2006). In the global conservation discourse I refer to here, this distinction is generally not taken up, and the term "conservation" refers to the setting aside of public or private lands and wild spaces from development, regardless of whether these places are actively managed by humans, and to what end.

<sup>5</sup> In the field of environmental ethics, the radical philosophies of "deep ecology" and "social ecology" are critically important. Deep ecology, represented by authors such as Devall & Sessions (1985), Macy (1995), and Naess (2005), argues for the importance of the interconnectedness of all beings, and the extension of human moral conscience and consciousness to the non-human world. Social ecology, as epitomized by Bookchin, argues that the roots of the environmental crisis lie in oppressive social and political structures, organized around hierarchy and domination, and that radical political re-visioning (such as communalism or anarchism) is required in order to address environmental concerns.

In the English Burnt Church, ideas or values related to these radical philosophies were never raised by anyone with whom I spoke. People's concerns, though they encompassed environmental and social justice concerns, were very practical and immediate (rather than radical,) as this chapter will demonstrate. In Esenoópetitj, while radical political philosophy was important to some activists, their political positions were motivated by sovereigntist and indigenist concerns, as outlined in the preceding two chapters, not by radical environmentalism. (Though, clearly, their positions do encompass environmental concern.) The radical philosophies of environmentalism, deep ecology and social ecology, while important to the larger environmental debate, have little direct relationship to the values, implicit and explicit, in the conservation debate in Burnt Church. For this reason, I have not taken them up in this analysis of the conservation discourse.

regulate their industry, so that people who fish can feed their families, and pay their mortgages, and send their children to university. Fishers and their families are trying to protect their own access to the resource – from overfishing, and from increased competition. The importance of livelihood cannot be overemphasized, in the small resource based economy of the Miramichi. In Burnt Church, there are few possibilities for employment. Many work fishing lobster, supplemented by herring, mackerel and oysters, on crews for small inshore boats largely run by extended families. Some supplement their family income with work in the forests, especially in the fall when “cutting tips” for Christmas wreaths and garlands, though piecework, can add significantly to a family income. Until the early 1990s, people could find employment at CFB Chatham, and a local mine, before they both closed. Some in the community were in the Canadian Forces, and moved home to Burnt Church upon retirement. A few work at the local paper mill, and these millworkers are seen to be the most fortunate, as they have unionized jobs with pension and benefits,<sup>6</sup> as do the few local teachers and employees of the regional maximum-security penitentiary. Finally, there is the small Burnt Church Credit Union, open three days a week, which provides part-time employment to one person. Almost every family in the English village of Burnt Church relies on some form of resource-based employment to meet their needs. In this economic context, the inshore fisheries like lobster are critical for the survival of the community as a whole, and represent the only sustainable employment available right in the community. Much like

---

<sup>6</sup> During the year I was in Burnt Church, the UPM Kymmene mill was on strike for 6 months, a long and bitter dispute. I was surprised at the lack of regional support for the millworkers, until a local person explained to me that the mill jobs were the best in the region, and that it was seen to be hard to get in at the mill unless you had a family member already working there. During the strike, millworkers left their families behind in the Miramichi while they traveled to paying work in Alberta’s oil sands, and in Newfoundland shipyards. The strike ended in the fall of 2005, but by 2007 the mill was closed for good by its Finnish owners, UPM Kymmene. The other mill in Miramichi, owned by Weyerhaeuser, was closed and put up for sale in 2006. The exodus of men to the Alberta oil sands for employment continues.

the cod to the Newfoundland outport, the lobster is at the heart of village life in Burnt Church, the foundation of the livelihoods which permit this community to continue, and sometimes to thrive, in its place.

During the dispute, the direct conflict between commercial fishers and (unlicensed) native fishers often occurred on the water – non-native fishers would go out in their boats and cut the traps of native fishers.<sup>7</sup> Within the English community, fishers and locals insisted that English fishers did not cut traps, that the cutting was the responsibility of the Acadian fishers from neighbouring communities, especially those across the Bay. At the same time, English residents shared the concerns that motivated the trap cutting: they were concerned about the effects of the native fishery on lobster stocks in the region, the possible collapse of the fishery, and the loss of their livelihoods. The spectre of stock collapse was strong for the English, who see the native fishers as a new group of people accessing the limited fisheries resources, without the normal limits of government regulation. Most of the English commercial fishers that I spoke with talked about the thousands of traps in the waters during the dispute, and the millions of pounds of lobsters being caught “out of season”. They perceived the native fishery as large and unregulated, operated by people who did not have strong skills or knowledge about fishing lobster.

---

<sup>7</sup> Cutting traps is a way of destroying them so that they can no longer catch fish productively. The “responsible” way of doing this is to haul up someone’s traps, and then cut out the netting in the traps so that the caught lobster can get out, before cutting off the marker buoys and returning the traps to the water. Irresponsible trap cutting, in the eyes of local fishers, is when whole traps are cut from their buoys, and left at the bottom. These are called “ghost traps”, because they continue to catch and hold lobster once they’re lost on the bottom.

Trap cutting is not a new practice – it is a common strategy for fishers in the region to employ when they are in conflict. In the years 2005-2007, there has been a lot of trap cutting in the Néguaac-Tabusintac zone of the fishery, as fishers from different wharves try to enforce protocols around whose traps should be set where, during the season.

*“If they hadda known where the good spots were, then it woulda been a lot worse. See, that’s why the fishermen were so mad. ....Now last year [2004] there were no lobsters. Whether there will be this year or not, nobody knows. That’s what you were trying to prevent.”*

For some English fishers, this perceived lack of knowledge was the only thing that mitigated the threat of the native fishery: since the natives were not seen to know how to fish well, they were apparently less likely to have large catches which threatened the stock. At the same time, the sheer number of traps alleged to be in the water by the DFO, and the number of traps counted on the water by English fishers when they went out in their boats, was seen as a real and serious threat to lobster stocks, one which has had an impact on the subsequent spring commercial fishery.

For English fishers, the other serious threat to lobster stocks was from the DFO, because of their lack of enforcement of commercial rules and regulations. The view from the English village was that the DFO was not telling the whole story about how large the native fishery “really” was. This minimization by the DFO of the impact of the native fishery on lobster stocks was seen by English fishers as self-serving in the short and long-term. In the short term, the DFO was perceived as “not wanting to get involved” with the challenges inherent in regulating the native fishery. In the long term, some fishers were suspicious that the DFO was using the dispute to further its own agenda, to reduce the number of licences and boats (i.e. people working) in the lobster fishery. “... *One thing is gonna be that the DFO is going to have exactly what they wanted, twelve years ago.*

*...30% less fishermen. The sad thing is it’s gonna be all the young fellas [that go] ....”*

Others saw the actions of the DFO in the dispute as a part of the ongoing incompetence of the agency, which will, it is feared, lead to stock collapse in the inshore lobster fishery

in the near future much as it led to the earlier collapse of the cod fishery in Newfoundland.

Fishers and locals are almost uniformly pessimistic about the future of the fishery post-dispute. This pessimism is compounded by a third problem in the eyes of English fishers. In order to get natives into the fishery under the Agreement-In-Principle, the federal government acquired existing lobster licences which it gave to the First Nation. These licences were purchased from lobster fishers along the New Brunswick coast, and transferred into the Burnt Church zone, resulting in a higher concentration of fishing in the immediate area, even though the number of licences in the overall region did not change. Some fishers said that, because of their own conservation measures implemented in the 1990s (after the Supreme Court's Sparrow decision allowed a fall native food fishery), they had begun to see a slight improvement in stocks just before the dispute, improvements they believe that they lost because of the native fishery during the dispute, and the locally increased commercial fishery that resulted from the settlement of the dispute.<sup>8</sup> In all cases, it seems to the English fishers that their fishery is vulnerable to collapse from government mismanagement as much as it is to collapse from over-fishing.

In developing a place-based ethics, Stefanovic argues against an overly simplified ecocentric view that puts the land, or nature, ahead of human needs (2000, 127). She criticizes Casey's conception of place, where being implaced means "letting the land take the lead," or "allowing the earth to come first" (2000, 127). In environmentalist discourse, this ecocentric view is a familiar one, where conservation is taken to mean conserving nature for its own purpose, for its own sake, safe from use by and intervention

---

<sup>8</sup> Both the DFO and many within the First Nation argue that the shifting of licences is insignificant, as the overall numbers of boats and traps in the fishery remain unchanged.

from humans. On the other hand, the anthropocentric view of conservation would hold that nature (in this case the lobster stocks), need to be conserved only or primarily because of their use value to the humans who fish and eat them. Stefanovic suggests that place-based ethics must hold the middle ground between these two poles, where human beings are not only the recipients of insight from nature-in-itself, but also actively intervening in the world (2000, 127).<sup>9</sup> In English Burnt Church, the conservation of the lobster stocks is important because of their use value to humans, in the strictly anthropomorphic sense, but not only this. The continued existence of the lobster fishery is critical to the lives of people on the land and waters. Conservation of jobs in the fishery is important not only to individual fishers, but to the life of the entire community in this place. The concerns that English people express for conservation are certainly concerns for their own continued livelihood, but they are also implicitly concerns for the extended community of which they are a part. Concern for livelihood is an intrinsic part of conservation in this place, for the sake of individuals and the community as a whole. When English residents argue for conservation, they are arguing for the future of their community, and a notion of conservation that takes humans and nature together, and resource-based livelihoods, seriously.

This interest in livelihood is not only an interest of the English fishers. The folks in the English community largely *have* livelihoods that they are trying to protect. The folks in the Burnt Church First Nation largely do *not* have livelihoods. Employment levels in the native community are quite low<sup>10</sup>, as the only stable local employment is with the band council and its programs. Prior to the dispute, there was one commercial

---

<sup>9</sup> See also the “anthropo-harmonic approach” suggested by Scharper (1998).

<sup>10</sup> For example, one commentator writing in the National Post during the dispute cited an 85% unemployment rate on-reserve (Dharamsi, 2000).

fisher in the community, but the entry costs for licences and gear were prohibitive to others. A lobster licence, for example, is listed for sale at between \$300,000 and \$450,000 in August 2007, though the prices change over time and according to the zone in which the licence is held.<sup>11</sup> When there are large government buybacks of licences, such as the one to get licences to give to natives at the end of the dispute, the price goes up. Since credit is largely not available to residents of the reserve, as they have little collateral (all property is held communally, according to the Indian Act), these costs are a barrier to independent entry into the fishery.

The action on the waters in the dispute was, for some, an attempt to find a way to earn a living to support their own families. Miigam'agan, a Mi'kmaq woman and community leader told me about one of her sisters, one of the first to put traps in the water after Marshall:

*my sister called... and she said that she wanted to go out and fish. She is a single mom, with two children, and she had not had employment in a long time in our community. And she went to the band office and pleaded ...if she could get her welfare cheque early, you know ... what she did with her welfare cheque is that she invested and got – I think she got 20, 25 traps, I can't remember. And she didn't have a boat, but she had made contact with another boat owner in the community and asked them to take them out for her. ... She got these old wooden traps, she got bait, all the things that they told her she would need. ... She was really excited when she made her first catch, and she was selling her catch, to buy bait so she can continue to fish. Now she had enough to buy the bait, and help out with the fuel for the boat.*

This is a poignant story, and I'm sure that Miigam'agan told it to me because of what it says about gender, and about power in her community; but it also illustrates something important about livelihood in this dispute. Folks in Esgenoôpetitj saw an opportunity

---

<sup>11</sup> These prices are as found on Tri Nav Marine Brokerage, which hosts an online listing service for licences and boats across Atlantic Canada. [http://www.trinav.com/Listing\\_Pages/lst\\_LicensesNB\\_1.htm](http://www.trinav.com/Listing_Pages/lst_LicensesNB_1.htm), August 9 2007.

after Marshall to earn a living for their families, on their own terms, while remaining in the community. In an isolated politicized northern reserve, that is no small feat. Another community member described how, as DFO raids and trap seizures increased, native fishers tried to get the importance of livelihood in their community across within the fishery:

*So we used different tactics like putting little letters in the traps, little toys for the kids stuff like that, Ziploc bags, whatever, just try to let them know they are taking food away from our tables and a livelihood away from our children.*

In practical terms, in Esgenoôpetitj, the right and opportunity to earn a livelihood was a key motivator for people involved in the dispute, and an important dimension of the community's articulation of the need for conservation.

People in each of the Burnt Churches view the attempts of residents in the other community to earn a livelihood with jealousy and distrust. Each community thinks that the other has it "easy". In the First Nation, many people see the relative wealth and prosperity of their English neighbours, built through access to resources that was denied to them, on land that was once theirs.<sup>12</sup> In the English community, many people see the government's obligations to the First Nation as "handouts" which are not appreciated or properly used by native residents. Though livelihood is a common concern and problem in each community, in different ways and for different reasons, there is little common ground between the two communities to work together towards this goal. Though as an outsider I have argued earlier in this chapter that these two communities hold similar marginal positions with respect to the larger problems of globalization, at this point in history, this is something that few residents recognize.

---

<sup>12</sup> As discussed earlier, and illustrated in the Appendices, many English residents do not believe that natives were denied access to the commercial fishery. Adlam (1999) documents some native stories of this denial of access in the Mi'kmaq riverine fishery on the Miramichi.

## **Critiquing the Canadian Government**

The dispute was (and is) not just about fish. The dispute is, in one sense, about people's ability to earn a living for their families in their home communities, with a limited resource. In another sense, conservation is a political discourse. In both the English village and the First Nation, conservation talk is grounded in critique of the federal government and its policies. In Esgenoôpetitj, especially for the sovereigntists, the Department of Fisheries and Ocean's history of fisheries mismanagement demonstrates the importance of a Mi'kmaq-managed fishery. In English Burnt Church, the critique of the DFO focuses not only on mismanagement, but on the disengagement of the government from the settler communities it is "supposed" to represent. In both communities, people are suspicious of the ways in which ideas of conservation are used to exercise control over their communities, and are working to turn conservation into something that serves rather than subordinates them.

After the Marshall decision, members of the Burnt Church First Nation engaged in a community consultation process, out of which arose a community management plan for the fishery, *Draft for EFN (Esgenoôpetitj First Nation) Fishery Act* (Ward & Augustine, 2000). The fisheries management plan was endorsed by the Conservation Council of New Brunswick, and those invested in it believe that it represented a much more conservation-friendly approach to fishing lobster (and other stocks) than the management plans of the DFO. During the later years of the dispute, the native fishery was carried out according to the management and conservation principles of this plan, which had been approved by the community as a whole. The plan itself is quite critical of the Canadian government, and of the DFO in particular:

...Directly due to DFOs economically focused management plans there are now over 500 species of fish in the Atlantic/Quebec region that are at risk.

The focus of the fishery management by the DFO was not to protect and preserve the fisheries and it's supporting ecosystem (sic). DFOs focus was to satisfy the non native fishing industry and ravish the fisheries for the sake of profit. This policy has been at the expense of the Mi'kmaq, Maliseet and Passamaquoddy fishery. The DFO have historically forced the Mi'kmaq, Maliseet and Passamaquoddy people out of their own waters and denied them their inherent rights so the DFO could selfishly take over the fishery and make non native fishermen wealthy. (Ward & Augustine 2000, section VII)

The failure of the DFO to successfully manage the fisheries (i.e. so that there is a thriving, stable resource available to all), is, in this view, not simply due to incompetence, though clearly the authors believe the DFO incompetent.<sup>13</sup> From the perspective of the Mi'kmaq, it is clear that the fisheries policies of the government, were *intended* to disenfranchise native fishers, for the sake of the non-native fishery.

The native fishery in Burnt Church is framed by the Mi'kmaq as a conservationist response to the colonialism and incompetence of the Canadian government's management of fish stocks through the Department of Fisheries and Oceans. Through the plan, the people of Esgenoôpetitj claim a fishery as their traditional right, within their traditional territories. The conservation plan of the community is also a clear political statement.

Due to the consistent mismanagement by DFO, it's biased and racist policy making, it's overpolicing of Mi'kmaq fishermen, it's adversarial nature and relationship with the Mi'kmaq, it's paternalistic and condescending attitude towards First Nations people, the Mi'kmaq of EFN [Esgenoôpetitj First Nation] will be reasserting it's control over the fisheries in it's traditional territories. ...The EFN will exercise its Inherent right to self determine it's own political, social and economic future and it's inherent right to self government which will include the ability as a self governing people to legislate policy (Ward & Augustine 2000, VII; punctuation as in original).

---

<sup>13</sup> The plan cites the collapse of the cod and salmon fisheries, as well as the impending collapse of the snow crab fishery, as evidence of this. (Ward & Augustine 2000, VII)

For sovereigntists within the First Nation, the wealth that Canada is concerned with conserving is earned from stolen resources. As the traditional chief put it to me, “*What makes you think it’s your moneys, it’s my resources that you’re playing with?*” In this view, Mi’kmaq management of the fishery is a necessary condition of effective conservation; effective conservation encompasses sovereignty and justice. The fishery management plan of the First Nation represents the position of the community as sovereigntist, and anti-colonial. Through this document, the community argues that the federal government and its agencies pursued policies intended to separate them from their lands and resources, and that its protest (through the native fishery) is a reasonable response, an attempt to reclaim what is rightfully theirs under the treaties. Meeting the concerns of livelihood and conservation in and of themselves is not enough; they need to happen on Mi’kmaq terms in a Mi’kmaq nation. The Mi’kmaq argue that while the federal government is not able or willing to be conservationist, they are.

The *Draft for EFN Fisheries Act* opens with the language of rights and anti-colonial resistance, and concludes with an emphasis on conservation. Access to the fishery will be granted on the basis of a “conservation priority system”, in which the ceremonial, food and social fishery take precedence over the activities of commercial fishers (Ward & Augustine 2000, XXI). The plan goes on to suggest that the fishery will be guided by a developing “Mi’kmaq conservation philosophy”, based on scientific data, traditional environmental knowledge from Mi’kmaq fishers, and traditional philosophy from elders and community members (Ward & Augustine 2000, XXIII), with the overall intent of restoring the habitat degraded by DFO mismanagement. The act suggests that the dollars earmarked by the DFO to buy native fishers into the regulated commercial

fishery (buying licences, boats, and constructing a wharf) should instead be used to retire existing commercial licences, reducing the overall size of the non-native fishery “for the sake of conservation” (Ward & Augustine 2000, XXV). The political nature of the conservation question is acknowledged within the plan itself, with the authors suggesting that the DFO and the government will use conservation to create conflict between native and non-native fishers.

We are very concerned that the DFO will attempt to politicize the current conflict between EFN and DFO. Instead of immediately complying with the SCC Marshall decision and providing “access” for members of EFN, we believe the DFO will try to use our management plan as a means of creating a “conservation scare” amongst non-native fishermen. (Ward & Augustine 2000, XXV)

Conservation is a political framework, which members of the First Nation use to contest the government’s position on their fishery. It is recognized here as a tool which may be used by the government to drive a wedge between local communities with interests in the fishery.<sup>14</sup> “Conservation” is also the grounds by which the First Nation seeks alliances with non-natives against the Canadian government, through an explicit invitation in the policy to those who “share the same conservationist principles,” a point which will be explored further in the next section of this chapter (Ward & Augustine 2000, XXIV). The members of the Burnt Church/Esgenoôpetitj First Nation, through their management plan, are engaged in a political contest over who is the most able to implement sustainable management of the fisheries. Like any policy document, the EFN management policy as laid out in the Fishery Act is a *political* document. The Act

---

<sup>14</sup> Within the English community, residents certainly do not think that their concerns about conservation have been manufactured by the DFO and the federal government, as has been demonstrated by the earlier discussion of conservation and livelihood. Having the government buy the fishing licences in the community in order to retire them, as suggested by the EFN Management Plan, puts dollars into the community, but does nothing to solve the ongoing problem of livelihood for the English residents. (This, of course, is the same problem in the First Nation, where government dollars do not necessarily or perhaps even usually translate into sustainable jobs.)

articulates issues of rights and conservation, in an attempt to discredit the Canadian government's fisheries management, and position the Mi'kmaq fishery as conservationist in principle and in practice.

English residents also critique the federal government and its departments for more than simple fisheries mismanagement. People within the English Burnt Church often suggested to me that the government did not exercise sufficient control over the native fishery, quickly enough. Underlying this critique was always the sense or implication that the government never did have the interests of the English village in mind. One fisher argued that the source of the problems with fishing, including declining stocks and conflicts on the waters, lay in the removal of decision-making power from the local DFO offices and officers, to bureaucrats and scientists in Ottawa.

*Rules...I don't know who makes them up. Really. Decisions about the fishery, in the last ten years, have all switched to Ottawa. ...Mostly because of the native issues. ...It's not the fishery officers in the field, it's not their fault. They only do what they're told. They probably would have cleaned the mess up. But they weren't let do it. ...It was all coming from Ottawa, so. And as long as they're up there they get to see it in the paper, or on the news, and they get reports. They only have to read what they want.*

Decision makers who work at complete removal from places which they are supposed to manage are at a serious disadvantage, because they do not have the opportunity to develop an understanding of the local context. Such challenges are normal, or commonplace, in the contemporary globalized context. Peña raises the problem of decision making at a distance in his discussion of acequia communities of the American South, where political and bureaucratic decisions are made from Washington. In that context, locals wonder how “policy can be fashioned by people in a place as far away as Washington DC, by people who have never been on the land” (Peña 2002, 65; see also Rubine 1998, cited in Peña).

For the residents of English Burnt Church, this distance and disengagement on the government's part gives rise to a complicated relationship with Canadian government and laws. Unlike the Mi'kmaq, the English generally expect the Canadian government and its agencies to represent and engage their interests. The distance of the agencies of government from the people they are supposed to serve represents a powerful and intransigent problem for the people of Burnt Church, as they look not only for solutions to the dispute, but also for ways to manage the fishery sustainably in the long term. When the government fails to understand local interests, as it has been perceived to do in the case of the DFO (since well before the dispute itself), some English residents continue to look for some way to repair or maintain the system, so that it might serve their own needs. Others go ahead with life on their own terms, believing that any possibility of successfully conserving the fishery lies in local hands and practices. This position is echoed among non-native fishers in the region where, since the dispute, violence has again taken place on the waters (2005-07). The post-dispute conflict, between commercial fishers at different wharves, is over differing interpretations of traditional (unofficial) fishing practices, specifically the location of lobster traps at different times of the season. Post-dispute, the importance of unregulated local fishing practices, and their perceived impact on livelihood and the resource, has heightened. Among fishers who were already independently inclined, the importance of local fisheries management traditions has increased, with their declining trust in the government. Residents of non-native fishing villages do not believe the DFO serves or represents them. In this view, the people best able to conserve the resources of the fishery are non-native fishermen, who

are seen to have the necessary combination of skill, experience, and interest in maintaining the fishery.

Beyond the political critiques of the government enumerated above, some within the First Nation offered a deeper analysis of the meanings of conservation for the Canadian government, a significant indictment of the government's motivations in the dispute, and an excavation of the hidden values at play in the government's discourse of conservation. From this perspective, the government and its agencies – specifically the DFO & RCMP – used the language of conservation to justify actions which preserved their own power and standing above all else. In the government's case, some suggest, their interest in maintaining social control trumps all other interests. Cindy, a Mi'kmaq woman from a fishing family, told me

*That's the biggest word that they [the Canadian government] can use is conservation. We have to look at the conservation of this stock, and we have to control them, we have to turn around and regulate it and stuff like that. Where we already had our own conservation [plan] and we were following it.*

Cindy is suggesting that the government is using its interest in conservation to mask its deeper interest in maintaining the status quo. The primary concern of the government, in Cindy's eyes, was not that the fish stocks be successfully conserved, but that they remain in the control of federal agencies. But this interest in maintaining federal regulatory control is not stated explicitly by the government, according to Cindy, which instead uses the language of conservation to mask its position.

Lloyd (Kwegsi, in Mi'kmaq), one of the authors of the *EFN Fisheries Management Plan* and the traditional chief of the community, said that the plan itself was not well received or officially acknowledged by the Department of Fisheries and Oceans,

or by Fisheries Minister Dhaliwal.<sup>15</sup> In Lloyd's view, the federal government was in a position where they could not acknowledge the productive conservationist stance of the plan because that would also require them to address the concerns for rights and sovereignty inherent in it. Instead, he suggests, they avoided the question by pretending not to receive the plan, and then refusing to respond to it, or to come to the community and meet with the plan's authors. If, as the community suggested in the management plan, the federal government was using conservation as a political tool against the Mi'kmaq, then the government also could not acknowledge the conservationist position of the community as legitimate. Instead, in the eyes of many in Esgenoôpetitj, the federal government used the rhetoric of conservation in order to justify the social controls being exercised upon the community. In order to maintain its power, the government used increased amounts of policing pressure – initially overtly, and later also through covert surveillance, threat and manipulation.<sup>16</sup>

Within both Burnt Churches, most people believe that the government and police were not motivated to do what was best for their communities, and some would argue that the government's concern for conservation is really a mask for maintaining control over the communities and their resources. In English Burnt Church, this is a vexing problem, as people see the Canadian government as their own, and many are seeking ways to resolve the increasing distance they feel from the decisions and decision-makers that affect their lives. For Esgenoôpetitj, where people are much less likely to see

---

<sup>15</sup> *Our feeling was that [the Canadian government] never read it, never read it, never read it, and we told them, "We sent it to you." And they checked and said "Well, we never received it." ...I think we faxed it directly to Dhaliwal....*

<sup>16</sup> These experiences were related to me in interviews with people from Esgenoôpetitj, documented by members of the Christian Peacemaker Teams in their report *Gunboat Diplomacy* (2001), and also related in interviews with Aboriginal Rights Coalition – Atlantic Observers.

government agencies as theirs (even if they do see themselves as Canadians), the refusal of the DFO to recognize their conservation plans was a further confirmation of the intent of the government to maintain and consolidate its own power over Mi'kmaq people.

Conservation is a critical language for the negotiation of power throughout the dispute, precisely because it stands in for so many things, eliding values and concerns, rendering all political positions more approachable or appealing. Local concerns about livelihood, sovereignty and place are not privileged in public conversations about the dispute, where people's ties to place and history, local belief and culture, are poorly treated, if at all. The government does not appear to engage with claims at these deeper levels, insisting that its primary concerns are conservation and law and order. Conservation then becomes a key issue and framework in the dispute, as locals both use and critique the government's conservation discourse, in an attempt to remake conservation as something which reflects their own values and concerns.

### **Seeking Allies, Practicing Resistance**

People in both Burnt Churches turn to the rhetoric of conservation as a way to get their voices heard in the public discourse, and in order to mobilize support from allies outside of the immediate conflict. The articulation of conservationist positions does not mean that people are adopting the positions of globalized conservation groups such as Greenpeace, the Suzuki Foundation or the World Wildlife Fund. The "saving nature for nature's sake" positions of the global conservation movement do not reflect enough of the concerns of residents of the two Burnt Churches. Rather, as I have demonstrated in the discussion of livelihood and government critique, the framework and language of

conservation is adopted by people as a way to present their concerns in terms that are accessible to and acceptable in the broad public discourse. Talk of conservation in the dispute is important not only to rebuke the government and to argue for livelihood; the language of conservation itself is an important tool which people use to mobilize support for themselves and their community, both during the dispute and in its aftermath.

In both communities after the dispute, and especially in the English village, conservation remains an important way to describe community concerns and motivations, as people attempt to describe their roles in the dispute in a way that might be received favourably by outsiders. During the course of my fieldwork, for example, conservation talk was one of the ways that people tried to mobilize my support and empathy for their concerns. In the English community, fishers in particular talked at great length about the numbers of lobster traps in the water during the native fishery, the resulting millions of pounds of lobster caught, and the threat that these posed to the ongoing sustainability of the region.<sup>17</sup> They described their own efforts to manage the fishery sustainably, and the possible long-term effects of the entry of so many new fishers into the commercial fishery at the end of the dispute. Certainly, these concerns *are* at the crux of the matter for English fishers, especially as they relate to livelihood. Offering them up in the language of conservation is a way to seek solidarity with the listener in the space between saving fish for fish's sake, and fish for fisher's sake. In the Mi'kmaq community, "conservation talk" is employed alongside "rights talk" in order to find allies. In many conversations, people used rights talk to frame the entry of natives into the fishery, and conservation talk as a way to further justify self-regulation of the fishery. While they did not frame conservation as the primary impetus of the dispute, it forms a key part of the

---

<sup>17</sup> Some of this conversation is captured in the relevant Appendix.

community discourse, as a response to critiques of the native fishery by government and commercial fishers. In the aftermath of the dispute, conservation remains an important tool in attempts to mobilize the support of outsiders, such as myself.

During the dispute, in the English village, people felt as if they had no allies, and no empathy from the “outside world”. After the initial confrontation during the protest on the wharf in October 1999, no one in the region, including other commercial fishers, came to the English village.

*And when all this racket was on us, after the cutting was all over, nobody showed up to support, to help or anything like that, We were stuck, this community all by itself. ...It made it hard on this community.*

As an outsider studying the dispute, I came to Burnt Church with the impression that alliances were formed between English and Acadian fishers during the dispute. I found quickly that this was not so, at least in the experience of the English community. In every case, when I asked about solidarity amongst local settler groups over the course of the dispute, English residents said that it did not happen. The explosive situation in Burnt Church was not something that others wanted to involve themselves in. In the region and across the nation, those who involved themselves in the dispute were largely those motivated by solidarity with native fishers and their community, such as Christian Peacemaker Teams, the Aboriginal Rights Coalition – Atlantic, and the Warrior Societies. Conservation talk is a way for English residents to explain the concerns they were expressing during that Sunday protest, and afterwards, in a way that resonates with larger public concerns. It plays upon and furthers the government critique of the native fishery, arguing that the impact of fishing during the dispute was even higher than what the government claims. Conservation talk is also a way for the residents of English Burnt

Church to renew focus on fishers and the fishery, rather than on violence, allegations of racism, or questions of the legitimacy of their settlement.

Conservation talk in the English community is accompanied by a studied silence on the question of poaching.<sup>18</sup> In Nova Scotia, McMullan and Perrier argue that poaching is “a routine form of everyday resistance” in rural fishing communities, in which those involved in traditional communal practices of fishing resist the government controlled regulation of the fishery (1997, 29-30). The introduction of government regulation of the commons was intended to protect communal fishery resources, but instead “exacerbated the rise of rapacious fishing” (1997, 57). In their analysis, while some forms of poaching are motivated by commerce, in rural Maritime communities some forms of poaching are important forms of social resistance.<sup>19</sup> In communities where basic loyalties remain with the fishing team and others in a shared harbour, some “poaching is a collective action in its own right and, like demonstrations, occupations and other political mobilizations, it preserves on a daily basis the struggle of the commons” (1997, 57). McMullan & Perrier argue convincingly that, in the Maritimes, “much poaching ...is an integral part of community life” (1997, 55), an important form of rural resistance. The silence within the English community on this subject reinforces the idea that positioning their fishery practices as conservation-minded is perceived as highly important. Poaching did come up when discussing the actions of Acadian commercial fishers in the region, some groups of whom are seen as poaching to excess. In these

---

<sup>18</sup> The framework of poaching was not used by non-natives to characterize the activities of native fishers during the dispute, as the entire native fishery was understood by them to be “illegal”. Now that natives are a part of the commercial fishery, poaching practices (e.g. the sale of undersized lobster) are equally a concern on-reserve, though the significance of this question in the present (2007) is outside of the scope of this discussion.

<sup>19</sup> It is not clear that such activities are a significant source of over-fishing, given the small and local scale on which they happen, in comparison to the over-fishing of the corporate participants in the industry (through the regulation of the commons) discussed above.

conversations, poaching was clearly positioned as something that others did, not fishers from the Burnt Church wharf. In another example, a local man did tell me that he used to go out and catch some lobster for food, without a licence, and that he did not do that any more. Perhaps the experience of the dispute has shifted local practice, minimizing poaching because of conservation concerns. Or perhaps the experience of the dispute simply silenced conversation about these ongoing forms of resistance, easily possible in a context where “silence and secrecy are the preferred methods of coping with trouble” (McMullan & Perrier 1997, 46). In either case, it is clear that people do not want to risk discussing subjects that might call their conservationist positions into question.

For many people within the Esgenoôpetitj First Nation, the conservation discourse of the dispute represented both an effort by the federal government to discredit the native fishery, and an opportunity for natives to find allies in non-native Canada. The position of the federal government, from the community’s perspective, was not only that conservation principles were absent in the native fishery, as discussed earlier. The federal government also characterized the native fishery as harmful and damaging, operating with blatant disregard for the ongoing health of the resource. For many, this conservation rhetoric was a form of propaganda war being waged against the community.

*So the government came in afterwards and they applied and they used propaganda, everything against us to rile up the communities around us. Inaccurate numbers were one of [their tactics], talking about other[native] communities coming down and fishing and stuff like that, so all the numbers that they have was inaccurate and they put it out in the papers. 6000, 7000 traps, whatever, and that wasn't so.*

In this view, the intent and effect of the government’s tactics were to minimize the amount of support that the native fishers were getting from non-native sympathizers, particularly from environmental and social justice activists, and to discredit the ability of

the Mi'kmaq to regulate their own fishery. The government was seen to be allied with the fishing industry, against the natives.

In response, the Mi'kmaq began to articulate their own conservation policies and attitudes publicly and explicitly, through the management plans (*The Esgenoopetitj Fishery Act* and *Draft for EFN Management Plan*) discussed in detail earlier. The specific conservation principles articulated within the plans became a very important foundation for alliances that were sought in the region. After the release of the management plan, a large group of regional scientists, environmentalists and activists, including the Conservation Council of New Brunswick, endorsed it and its conservation principles. This was a significant victory for the people of the First Nation in their search for allies, and their attempts to discredit the government's position.

*Obviously there needs to be some environmental restrictions and stuff, but the management plan that we had worked on was great. It was more geared towards the environment than the government's program ever thought of being. Environmentalists and scientists and different people coming in and looking at the plan and saying "This is great, this is wonderful..." There was not going to be a problem. The government made it into a problem because, I don't know – greed? And because they just wanted to control [the fishery]. I think that that's the main thing.*

Conservation talk, in the First Nation, was an important tool in positioning the native fishery in a favourable light, and in discrediting the government's position. Post-dispute, the conservationist nature of the community's position during the dispute remains something that uniformly articulates a part of the story of the conflict. Conservation talk was a way for the people of Esgenoôpetitj/Burnt Church to address the government on the government's terms, once it became apparent that the concerns of the people themselves were largely absent from federal rhetoric. If the rhetoric of the dispute was, in part, a propaganda war with the government over conservation as was earlier suggested,

the *Fisheries Act and Management Plan* served the residents of Esgenoôpetitj as significant weapons.

### **Community difference & common concern**

Historically, the two communities of Burnt Church are separate places, divided along racial and geographic lines reinforced by the policies and practices of the Canadian colonial government. The ancestors of the English villagers of Burnt Church were among the agents of colonialism in the region, transforming part of this place into the rural Anglophone fishing community that their descendants now know as home. Though the two communities share a name, Burnt Church, and a common landscape, they are in many ways very separate places. In contemporary times, the separation between these places leaves the communities unable to recognize their common interests, or work together for common goals, as they continue to see one another as rivals for resources, political voice, and economic opportunity. This division was seen to be exploited by the Canadian government during the dispute, as a way to buttress its own power and control in the situation. This government strategy will be explored in greater detail in the following chapter. During and after the dispute, the Burnt Church/Esgenoôpetitj First Nation and the English village of Burnt Church found their values and interests marginalized by the federal government, who also used conservation talk to maintain the separation between the two groups. In the Mi'kmaq community, the profound legacy of colonialism over many centuries leaves people familiar with the experience of marginalization, and motivated to resist the imposition of external powers and definitions on their community. The discourse of conservation became, for this community, a tool to

resist the government's positions, and to articulate their own values in a way that might be heard by the government, and by its NGO-sector critics. They used conservation to set up a difference between themselves and the government and its commercial fishery, as practiced by their English neighbours. In the English village, the experience of marginalization from power by globalization and urbanization is a relatively new one. The perception that the status of their community with government and the Canadian public is slipping drives efforts to maintain social and political power, with respect to Mi'kmaq neighbours and to government. Conservation talk becomes, for the English also, a tool to articulate local values within a framework that might be recognized by government and NGO-sector powers, as well as a way to try to position themselves in a more favourable light than their neighbours.

The similarities in values and in strategies between the two communities argued for in this chapter are not recognized by the communities themselves. During and after the dispute, relationships of cooperation between the two groups are few and far between. During the years of the dispute, the local United Church minister in the English community worked with some Mi'kmaq allies to hold community meetings between residents of these two places. They hoped that people could talk about their concerns and experiences, and perhaps find some common ground. For some of these meetings, the provincial government paid for a facilitator. But the conversations broke down. Many in the Mi'kmaq community felt that participating in such dialogue was probably not safe, personally, emotionally and perhaps physically, and relied on a few community representatives to go onto the English side for these meetings on their behalf. Within the English community, people felt that they were hearing the same old tales of pain and

woe, from the same people, stories which were not anything that they could be responsible for or move forward with. Over time, people from both groups stopped attending, as they felt the meetings were not progressing in a productive manner. When the provincial government money for a facilitator was not renewed, the conversations stopped altogether. For moderates in the English community in particular, the failure of this effort demonstrates the profound difficulty of bringing the two communities together around shared concerns. Many people in each community continue to feel unsafe with their neighbours, never sure when racial violence will erupt.

In the meantime, there are a few individuals from both communities who work to cross the divide, nurturing relationships with old acquaintances, attending community fundraisers, forging gentle ties. The organist at St. Anne's Parish, the Mi'kmaq congregation, comes every three weeks to St. David's United Church in the English community to play for the service, as St. David's is without a regular organist. One Sunday near Easter in the year when I was there, she played and sang an old hymn, *How Great Thou Art*, in both English and Mi'kmaq for the English congregation. While this seems like a small gesture, in this politicized and racialized environment it is, in fact, quite a risk, which took real intention and work on the part of people from both communities. On the Burnt Church wharf, there is a very uneasy truce between non-native commercial fishers and native fishers who entered the fishery at the end of the dispute. These fishers find ways to work alongside one another in the day-to-day routines, during the commercial season. The ongoing management of the wharf remains a profound challenge, though, as the communities continue to see one another more as rivals than those with whom they share a common interest. Within the English

community, those who hope for a better relationship between the two communities feel that it will come far into the future, with the next generations, based on threads of relationship nurtured in the present. Within the First Nation, people also hope that some change will come with future generations. But the legacy of conflict remains strong beside these slim hopes.

The next chapter begins to explore some of the non-local senses of place at play in the dispute in further detail, through consideration of the positions of Canadian government agencies and some Canadian activists in the dispute, and their concerns for order, authority and justice. The extreme marginalization of indigenous peoples through colonization, and the newer disregard for rural communities by globalized powers, not only separates each of the Burnt Church communities from decision makers and discourses of power, they also recreate and exploit the separation of these communities from one another. Reconciliation between neighbours depends not only on the work of local individuals, but also on a transformation of the larger frameworks of power which rely upon their separation.

## **Chapter 5**

### **Canadian government, Canadian activists: contesting place in Burnt Church**

#### **Contested Place, National Myth**

It is not only local people who have a sense of place. As the geographers Williams and Stewart suggest, the social and historical processes which create place involve not only local people, but might include non-local commodity interests, environmentalists or recreation enthusiasts, for example. "...Even what planners and scientists put forward as a data-driven description of a place in the form of a scientific assessment is itself another competing sense of that place." (1998, 20) Local constructions of place may be unique in that they are significantly socially, historically or geographically grounded, as has been demonstrated in the case of the Burnt Church communities, but non-local senses of place also have significant political and social power over specific places. For example, in Canada, Banff National Park is a significant national symbol of wilderness and the Canadian North. Alongside local conceptions and uses of this place, this national vision of Banff as wild space, and the expectations that accompany it, is another significant sense of place. Pier 21 in Halifax, where so many immigrants arrived in Canada in the mid-twentieth century, is an important place for many because it was their first stop in Canada. Though most immigrants who went through Pier 21 settled in other parts of the country, it has become a place of national significance, a crucial "Canadian place" for some of these immigrants. In considering the challenges of managing competing senses of place for environmental planning and decision making, Williams and Stewart suggest that they all need to be understood as "legitimate, real, and strongly felt and an important

source of political conflict” (1998, 20). Place is a way to understand the variety of relationships between people and landscape at the local level and beyond, and how these relationships are contested and negotiated.

In Burnt Church, local senses of place are the necessary starting point of our exploration of the dispute, but these are not the only senses of place operating there. Local values and priorities compete with those of government scientists, the media, RCMP and Fisheries officers, members of Christian Peacemaker and Aboriginal Rights Coalition Observer teams, Warriors, the Assembly of First Nations, the Conservation Council of New Brunswick, and the Maritime Fishermen’s Union, to name but a few of the groups involved in the dispute over the years. Among the local people with whom I spoke, there was a profound awareness of the power of these external conceptions of place in influencing the dispute and its outcome. Specifically, and as is evident in previous chapters, people were most concerned with the views and actions of the Canadian government (through the Department of Fisheries and Oceans and the RCMP), and of Canadian activists (as represented in the media and through local people’s experiences of activists who involved themselves in the dispute). The voices and perceptions of these two groups are available in public statements and press releases, reports on the situation in Burnt Church, and reflections and opinion pieces published in the media. This chapter explores these two senses of place in Burnt Church, as they were experienced by residents and presented in public statements and positions, and their influence on the dispute and its outcome. The dispute in Burnt Church concerned a contested place, a place contested not only by local residents, but by the Canadian government and some members of the Canadian public; as Williams and Stewart have

described elsewhere, it was "...a public exercise in describing, controlling and negotiating competing senses of place..."(1998, 23).

Exploring place in Burnt Church/Esgenoôpetitj, I have echoed the arguments of Casey (1993), Stefanovic (1999) and Basso (1996) that religion is an important dimension of place.<sup>1</sup> In the local communities of Burnt Church, religion has been an important historical factor, shaping the communities, and their relationships to one another and to the landscape. Religion was also an important political force, legitimizing the establishment of the settler community, and, within Esgenoôpetitj, as both a controlling colonial force and a significant resource for resistance. Further than this, however, place is a potent religious force, that binds together communal social identity (Basso 1996, 145). In the local communities of Burnt Church and Esgenoôpetitj, as people and landscape inscribe themselves on one another, creating place, the process is both mediated by religion, and is in itself religious. Among regional and national groups, religion remains a critical dimension of place. Certainly some activists, such as members of the Aboriginal Rights Coalition – Atlantic Observer Teams, or the Christian Peacemaker Teams, involved themselves in the dispute, in part, out of religious or spiritual conviction. More importantly for this discussion, however, place continues to operate at the level of identity, as a religious force, and as these groups seek to legitimate their positions by appeal to the myth and rhetoric of Canada and Canadian identity.

In many conflicts over place, nationalist myths are invoked to legitimate authority and protectionist actions which often exclude the interests of local people. Berglund and Anderson suggest that

---

<sup>1</sup> This argument is outlined in some detail in Chapter 2, and summarized here.

any effort to save “it” [nature] then is linked to the political question of who should manage it. ... nature becomes the province of experts regardless of who occupies it and, furthermore, provides grounds for discriminating against the very people who do. (2003, 5)

The legitimation of discrimination against local inhabitants and their values begins by stripping local places of their human history, framing them as “natural” places, and then by linking these places to “a state myth which legitimates protectionist action” (Berglund & Anderson 2003, 5). In this context, issues of authority become the central concern of ecopolitics, and local people and their conceptions of place become obscured by conflicts over the power to regulate and control. Nationalist myths convey these non-local senses of place and are powerful tools used to justify the necessity of external authority, regulation, or possession of specific places. As Berglund and Anderson have argued, the classic North American example of this myth is the myth of the frontier which “...enabled white colonizers to justify the dispossession and slaughter of indigenous populations...”, and which is also “... the founding myth of American environmentalism” (2003, 5). It may seem that an authority focused sense of place such as the one described here is not religious, but this is not so. These myths are religious in their power and import, as they bind together national (Canadian) identity, culturally, historically and communally.<sup>2</sup>

When place is contested, as it was in Burnt Church, this contest is not only one among locals. Such conflicts are embedded in larger networks of power. Not only do these powers shape local positions within the conflict, as was evident in the preceding

---

<sup>2</sup> In Canada, the execution of these powers also relied upon religions specifically, as religious groups legitimated and participated in these nationalist projects. For example, Canadian Christian Churches operated native residential schools (on behalf of the government), a key strategy in the imposition of Canadian culture and authority on native people and places.

chapter's discussion of conservation discourses, but they are players in the conflict themselves. What sense of place do locals perceive the Canadian government to be enacting in its response to the dispute? How does this affect and shape the ongoing conflict? How do the positions of activists among the Canadian public, who are often critical of the government, both repudiate and replicate the nationalist myths the government is trying so hard to defend? For local people in the native and non-native communities, the threat of displacement was an important and overt problem in the dispute, motivating both communities to reassert their ties to place both during and after the dispute.<sup>3</sup> Across Canada, aboriginal claims to lands and resources currently used and occupied by settlers exist virtually everywhere; the threat of displacement weighs upon Canadians and their government as it does on the people of Burnt Church. As they involved themselves in the dispute, this threat was only ever partially or indirectly addressed by the government and public, as will be shown in this chapter, who sought to avoid or minimize the threat of displacement with assertions of power over, or sympathy with, local people.

### **The Canadian Government**

During the fishing dispute in Burnt Church/Esgenoôpetitj, the Canadian government was a primary actor. Fisheries management is a responsibility of the federal government, not of the provinces, and is carried out by the Department of Fisheries and Oceans. For most of the duration of the dispute, Herb Dhaliwal was the Minister of Fisheries and Oceans (he was replaced by Robert Thibault in 2002). Aboriginal Affairs are also a federal responsibility, falling to the Department of Indian Affairs and Northern

---

<sup>3</sup> See chapters 2 and 3 for further discussion of these points.

Development, led by Minister Robert Nault. Finally, though some provinces have their own police forces, the province of New Brunswick is among those who contract their policing services to the federal police force, the Royal Canadian Mounted Police.

Following the Marshal Decision, the government determined that the immediate issues to be resolved were those of fishery access and enforcement, which fell to Minister Dhaliwal and the DFO, rather than to Indian Affairs.<sup>4</sup> The day-to-day participation of the Canadian government in the dispute was managed by bureaucrats in the Department of Fisheries and Oceans, and enacted by Fisheries officers charged with enforcing fisheries regulations, and RCMP officers charged with law enforcement. The work of enforcement was sometimes also supplemented by the officers and resources of the Canadian Coast Guard.

Over time, both the RCMP and the DFO called in many additional officers to the Burnt Church region, to help with enforcement in the dispute. Both agencies had regional offices in the Acadian community of Néguaac, which served as bases for their operations. In addition, the RCMP set up a trailer “command post” at the occupied wharf in the English community of Burnt Church, and carried out many activities from there, including surveillance of both communities, monitoring of protestors, policing of barricades, negotiating with protesters, and participating in enforcement activities on the waters. The DFO did not have a command post set up in the community; DFO officers arrived by boat on Miramichi Bay, to survey the native fishery, seize native traps, and carry out other enforcement activities on the waters.

---

<sup>4</sup> Eventually, the federal government launched a long-term strategy to deal with the implications of the Marshall decision, in which the DFO negotiated fishery access, and Indian Affairs re-negotiated treaty rights in the Maritimes, in what became known as the Molloy process, after its lead negotiator (DFO 2001a).

The Department of Fisheries and Oceans bureaucracy attempted to manage some of the larger issues of the dispute, from its offices in Ottawa. They made efforts to negotiate with the Mi'kmaq fishers, commissioned studies, and appointed negotiators such as Bob Rae. They conveyed their efforts to the Canadian public in press releases, speeches and letters by Minister Dhaliwal, and through the release of reports and studies. The government's own accounts of its actions, as captured in these documents, provide a significant foundation for understanding the sense of place and attitude toward Burnt Church, that the government was operating within during the dispute. This characterization of the government's sense of place can be enriched by including consideration of verifiable accounts of the enforcement actions of the RCMP and DFO "on the ground" during the dispute. As Berglund and Anderson have gathered in other places (2003), and as will be shown in this chapter, in Burnt Church, some arms of government attempted to reduce the fishing dispute to questions of authority, regulation and enforcement. Operating out of this view, they disregarded local concerns for justice, sovereignty and livelihood, and legitimated their authority through appeal to nationalist myths of Canada.

Admittedly, the government of Canada is not a monolith. It is comprised of bureaucracies, political entities, and individual civil servants and officers which hold different viewpoints and have different approaches. In the Burnt Church dispute, governmental parties involved included more than the Department of Fisheries and Oceans (DFO) and the RCMP, such as the local Member of Parliament Charlie Hubbard (Liberal), the Coast Guard, the House of Commons Standing Committee on Fisheries and Oceans, and the Department of Indian and Northern Affairs, and the federal Cabinet. Yet,

on the ground in the communities of Burnt Church, the two primary agencies of the government involved in the dispute, and that residents had to deal with, were the DFO and the RCMP. Post-dispute, there are faint suggestions that inter-agency relations between the DFO and RCMP were not always stellar. For example, one RCMP Director writes, “RCMP relations with the DFO were challenged as the department’s mandate was to protect the lobster fishery and enforce the Fisheries Act, whereas the RCMP’s mandate was to prevent the loss of life and damage to property” (Vickers 2004, 3). In the local and public experiences of the dispute, such inter-agency conflicts were not obvious. For locals, the views and actions of these two parties taken together characterized the response of the Canadian government to the dispute; nationally, it was clear that the DFO and, to a lesser extent, the RCMP, were responsible for the dispute on behalf of the government.

In her study of Mayan activism, *Indigenous Movements and their Critics*, Kay Warren observes that “the experience of writing this book convinced me there is simply *no neutral* position or language of analysis through which to author the story of ethnic resurgence” (1998 xii; italics in original). This is also true in our discussion of events in Burnt Church; there is no neutral position from which to characterize the activities of the government (or of other players, including locals) in the dispute. In this dissertation, I have taken the position that understanding the experiences and insights of local people, in their own terms, is critical. My analysis of the Canadian government takes its cues both from that local experience, and from the public self-representation of government agencies, specifically the RCMP and DFO. Certainly there is much more to be said about the complex story of the Canadian government’s relationships with indigenous peoples,

in Burnt Church and elsewhere, and about the complex negotiations that must have occurred within the government as it struggled to deal with the implications of the Marshall Decision. In the space available here, I will chart some of the dominant themes and arguments of the DFO and RCMP, the primary government agencies involved in the dispute, in order to illustrate some of the principal ways in which the government's sense of place was operating in the dispute.

The DFO argued that the conflict in Burnt Church was a stock management and access issue, and that they were the only legitimate authority who could regulate and enforce the fishery. In a statement at the beginning of the 2000 fishing season, Minister Dhaliwal argued that the authority to regulate the fishery was his alone, as Fisheries Minister:

I as Minister have the authority and the responsibility to regulate the Aboriginal commercial fishery. ... it appears that some, though not all, parties at Burnt Church want to regulate and control the fishery, independently of the Government of Canada. One cannot assert only the part of a Supreme Court decision that one agrees with, and reject the rest. The fish resources are the common property of Canada; and the Supreme Court affirmed my authority and responsibility to regulate for conservation and other purposes. (DFO 2000b)

In the government's interpretation of the situation in Burnt Church, as conveyed by Dhaliwal, those who wish to challenge the ability of the Canadian government to regulate native fisheries are reading the decisions of the Court selectively. Dhaliwal argues that all fish resources are Canada's and native access to the fishery is something the Canadian government is obliged to provide, albeit on its own terms.<sup>5</sup> This view reduces the "legitimate issues" in the conflict to two, excluding historic concerns about place,

---

<sup>5</sup> This argument stands in stark contrast to that of the traditional chief in Burnt Church, Lloyd Augustine, who argues that the Mi'kmaq never ceded their lands and waters in the treaties, and that their rights to these were affirmed under Marshall (outlined in Ch .3).

sovereignty, and livelihood in both communities, and making the Burnt Church dispute one focused on government authority and stock management.

In 2001, the Department of Fisheries and Oceans commissioned a fisheries scientist to study the lobster fishery in Miramichi Bay and to characterize the scientific and resource problems associated with it. *The Caddy Report*, as it was called, took 25 days to complete, and was released by the DFO to demonstrate its ongoing concern for the lobster resource (Caddy 2001). Caddy's "data-driven" description of the lobster fishery in Miramichi Bay represents quite a different view of place than the stories of locals. It is a powerful depiction of a place where stocks are in crisis and where, in order to resolve this problem, the biological understanding of the situation should take precedence. This view had great currency with the DFO, who in their press release on the report echoed Caddy's conclusions about the nature of the dispute: "A first conclusion from talking to those most involved... is that there is an urgent need to raise the level of public understanding of lobster biology..." (Caddy 2001, pg. 13; cited in DFO 2001). This report buttresses the government's argument that the problems in Burnt Church are about lobsters, who fishes lobsters and who decides who fishes lobsters. It continues to place stock management at the forefront of the dispute, framed in scientific and resource management terms.

The federal government's lead agency in the dispute, the DFO, persisted in this reframing of the issues at the heart of the dispute, in order to legitimize its authority and, perhaps, to ensure that it did not have to address the issues which motivated native fishers: rights, justice and sovereignty (as explored in Ch. 3). This occurred even when the government was ostensibly attending to community concerns and relationships, rather

than the fishery itself. In January of 2002, as a part of its “Marshall Response Initiative,” the DFO appointed Mr. Justice Guy A. Richard and Chief Roger J. Augustine to head the Miramichi Bay Community Relations Panel. The panel was charged to meet with local native and non-native community members in the Miramichi area and to assess the relationships between native and non-native communities, reporting back to the federal government with recommendations and approaches to improve relationships. Richard and Augustine spent many weeks meeting with locals in the area immediate to the dispute and across the region. Their report concludes that “the problem [in the dispute] runs much deeper than lobster fishing and conservation” (Augustine & Richard 2002b, 1-2). They recognize the importance of livelihood in non-native communities and of political autonomy and sovereignty to the Mi’kmaq of Burnt Church. And yet, their report does not deal with treaty rights, aboriginal title or sovereignty as issues in the dispute, as “the Panel was expressly precluded from addressing the question of Treaty Rights” in their mandate, a mandate set by the Department of Fisheries and Oceans (Augustine & Richard 2002b, 3). Even when the government broadened its view of the dispute from fishery regulation to include community concerns, as with this panel, it remained unwilling to address some of the issues at the heart of the dispute, perhaps because this would involve recognizing the native argument that Canadian authority in the Burnt Church native fishery was illegitimate.

On paper and in the media, the DFO represented Burnt Church as a place where fishery access is a problem, a problem compounded by the unwillingness of some natives to recognize the authority of the government to create and control access. The government believes its authority has been legitimated by the Court in the Marshall

Decision, and this authority is reinforced through continual appeal to the Court's decisions as impartial, authoritative and final. This is true not only when the DFO is positioning itself against native fishers but also against right-wing critics within Canada, such as those within the former Alliance Party. In response to Alliance criticisms of the DFOs post-Marshall policies, Minister Dhaliwal argued repeatedly that the actions of his department were precisely in accordance with the Supreme Court's decision (and clarification) on Marshall, upholding his responsibility to hold an "orderly and regulated fishery", where any limitation on aboriginal rights "had to be justified on conservation or other valid public policy grounds" (DFO 2000c).

The legitimacy of the government's authority in the lobster fishery is challenged by native claims to sovereignty and by other readings of the treaties and of the Marshall decision, as has been demonstrated in Chapters 3 and 4. The government refused to address these alternative arguments about authority and resource management, unwilling to entertain conversations not only about the political position the government took after Marshall, but also about its enforcement actions on the waters of Miramichi Bay and in the communities of Burnt Church/Esgenoôpetitj. The actions of the RCMP and the Department of Fisheries and Oceans to uphold the government's authority, and an "orderly" fishery in Burnt Church, included the seizure of traps by RCMP officers in riot gear with assault rifles, the monitoring of Mi'kmaq residents with electronic surveillance, chasing, swamping and ramming native fishing dories, and the violent arrest of native protestors. These actions have been documented in the Canadian media, in the stories of locals, such as those in this dissertation, and in the report of the Christian Peacemaker Teams (CPT) who observed the fishery. The extremity of the government's actions in the

name of authority and order can be demonstrated in the CPT account of the arrest of native fisher Brian Bartibogue:

**August 13** - After a six week pause for the lobsters' moulting season, EFN [Esgenoôpetitj First Nation] fishers began to set traps again on August 10. At 11 p.m. on August 13, fourteen DFO boats arrived in the dark with no navigation lights and began seizing EFN traps. Two EFN boats approached, with CPT observer Nina Bailey-Dick on board one boat. DFO officers pointed their guns at the unarmed fishers in the other EFN boat and said, "Get back to shore or we'll shoot." A few minutes later another DFO boat rammed EFN Band Councillor Brian Bartibogue's fishing boat, arrested him and three others in the water, and confiscated his boat. Bartibogue was beaten and choked unconscious by DFO officers before being taken with the others to the Tracadie RCMP post. For several hours, the RCMP denied the prisoners medical attention, dry clothing, and phone access, and lied about these conditions when observers Nina Bailey-Dick (CPT) and Ron Kelly (ARC) inquired about the prisoners' well-being. (Christian Peacemaker Teams 2001, 8)

In local and regional accounts of this story, it is said that Mr. Bartibogue only received medical attention when he used his one phone call to dial 911 and request an ambulance, which attended him at the RCMP detachment. In the 2000 fishing season, the CPT report alleges, there were 22 incidents in which the government violated the human rights of native fishers, as a part of their enforcement actions (2001, 7). The realities of the government's actions in the native fishery belie the claims of orderly regulation so common in the government's rhetoric.

Within the English community, people viewed the government's enforcement actions as inconsistent and inadequate, as they did not halt the native fishery. More likely to have civil conversations with RCMP and DFO officers, as they were not fishing outside of regulations, the English residents often heard from the officers that their superiors were unwilling to allow them to enforce the full extent of the law in the native fishery. They were told that the RCMP would be unable to protect them adequately from violent natives, and were asked to leave their homes for their own safety. It seems that individual officers were, or wanted to present themselves as, more sympathetic to the

English community than their superiors. For most English residents, while they got information from these sympathetic officers, they had little sense that these individual positions had any effect on the positions of either the RCMP or the DFO. In the First Nation, many people observed that one of the government's strategies as the dispute wore on was to call native police and fisheries officers into the area, to assist with enforcement in the dispute. Though perhaps the government believed native officers would be seen as more trustworthy by the Mi'kmaq of Esgenoôpetitj, this was not necessarily the case. For example, in the account of Brian Bartibogue's arrest and beating told to me by his brother, Mr. Bartibogue surrendered to the DFO because of the assurances of a native fisheries officer that he would not be hurt, when he was in fact "beaten and choked to unconsciousness" (Christian Peacemaker Teams 2001, 8). More often, indigenous officers were often seen as conflicted figures, who were being asked to take sides against their own best interests. In both Burnt Churches, residents encountered tension between the interests and attitudes of some individual officers and agents of the government, and the government writ large. In the English community, people continued to believe that the government's rhetoric of authority was only rhetoric, and did not reflect their reality. In the First Nation, the actions of the government at all levels, including the individual, continued to be viewed with deep suspicion and mistrust.

During the dispute, the Department of Fisheries and Oceans and the RCMP characterized Burnt Church as a lawless place, where the future of the lobster fishery was being put at risk because of natives' disregard for the authority of the government to regulate and control fisheries. The consistent framing of the dispute in these terms permitted the government to avoid addressing the deeper concerns of local people

involved in the dispute. This sense of place, grounded in concerns for authority, regulation, and “data-driven” descriptions of lobster stocks, drove the events of the dispute, and limited possible outcomes. Many in the English community and the First Nation feel dissatisfied with the outcome of the dispute, the “Agreement-in-Principle” negotiated by the government. The agreement itself is written in the terms of the government, promising licences, traps, boats, scientific research programs and dollars in return for Mi’kmaq participation in the Canadian fishery (DFO 2002). The agreement does not address the concerns which drove the native fishery for so many years: rights, sovereignty, and the ability of people to determine how they live in their own place. Nor is there anything in the outcomes of the dispute which recognizes the concerns of the other inhabitants of this place, the English residents. The situation remains precarious, since the outcome of the dispute was not a recognition of local concerns for their place, but an imposition of one external view of place (and of the dispute) on all people.

Berglund and Anderson suggest that, in situations such as this, governments often buttress their efforts to impose their own authority with appeals to national myth, as a way to justify their actions. In the Burnt Church dispute, we have seen how the Department of Fisheries and Oceans appeals to a national institution, the Supreme Court of Canada, which it portrays as impartial arbiter and ultimate authority. Further, the DFO characterizes its actions as maintaining or bringing “order” to the fishery. This appeal to “order” echoes the 1867 Constitution Act, in which “peace, order and good government” are the founding principles of the Canadian Confederation. While “life, liberty and the pursuit of happiness” are the ideological principles upon which the American state is said to be predicated, in Canada, “peace, order and good government” frame our national

myth, as central values in our characterization of this place as Canada. In the Burnt Church dispute, the government's appeal to order might be understood as an effort to uphold its own interpretation of the conflict, in the language of "historic" Canadian values.

Another fascinating example of this appeal to national myth appeared just after the dispute, in 2004, in an article in the RCMP Gazette by Kevin Vickers, "The RCMP and the Canadian Way: Using lessons from the past to build a modern policing philosophy." Vickers was the officer in charge of the RCMP's activities during the dispute in Burnt Church. He invokes the story of Sitting Bull and the Sioux people's refuge in Canada after their victory in the Battle of Little Bighorn as a model for Canadian policing. He argues that, in finding a way to allow Sitting Bull and his people to remain peacefully in Canada, the RCMP were laying the foundation of the "Canadian Way", a distinctly Canadian policing philosophy. The "Canadian Way" is not founded solely on the rule of law, but rather on respect of human dignity. The Canadian Way is one of creative problem solving. Our approach includes respect, dialogue, facilitation, empathy, education, and, when necessary, enforcement. (Vickers 2004, 1)

In this light, Vickers characterizes the efforts of the RCMP in Burnt Church as epitomizing this "Canadian Way", balancing the competing pressures and opinions of media, other government agencies, and local non-natives, as they built relationship with the Mi'kmaq protesters. When a native barricade was erected along the main highway through the reserve, he suggests that, "instead of a confrontation, RCMP members, acting as facilitators, showed up with coffee and doughnuts to begin dialogue with those manning the barricades" (2004, 2). The more direct actions of the RCMP on the waters, he suggests, were not a part of this "Canadian Way", but necessary as a result of the

RCMP's obligation to assist other federal agencies, such as the DFO, in their mandates. In the end, Vickers characterizes the response of the RCMP in Burnt Church as directly descending from the "example of communication and respect that was set back in the 1860s" with Sitting Bull, policing the "Canadian Way" (2004, 3).

The contrast between Vickers' characterization of his force's actions here, and the stories of local people in previous chapters, is very stark. Though there were occasions when people in each community felt positively about the presence of the RCMP, for the most part their actions were seen as unnecessarily violent in the First Nation, and inadequate or unpredictable in the English village. It is also important to note that even the mythic events of the refuge of Sitting Bull and his people in Canada did not end well for the Sioux. They had no access to food or other resources in Canada, and were essentially starved out, forced to leave. Sitting Bull returned to imprisonment in the United States, and was eventually killed. To legitimize his force's actions in the dispute, Vickers appeals directly to nationalist myth, invoking the "Canadian Way" to frame the activities of the RCMP in Burnt Church as nonviolent and collaborative. Yet neither the myth, nor the Burnt Church dispute, ended in outcomes which address the real concerns of First Nations people.

In the Burnt Church First Nation, many sovereigntists said to me, "*If only we'd held out for a little longer, the Canadian government would not have been able to stand in the face of what they did to us.*" For these people, and their sympathizers, the actions of the Canadian government through the DFO and the RCMP were a terrible injustice, which, if they had been recognized by the Canadian public, would have destabilized the government's position in the dispute. Addressing the concerns of the sovereigntists would

have required the Canadian government to address its own complex and difficult colonial history, in which questions about the legitimacy of Canada's displacement of aboriginal people are reasonable and important. Instead, throughout the dispute and its aftermath, the government's agencies argued for their own views of the dispute, grounding those views in nationalist language and myth, in order to invoke the propriety of their position. Acknowledging an indigenous sense of place as something which reasonably belonged in the conversation about Burnt Church could undermine not only the government's authority, but its legitimacy, and so, for the government, it had to be avoided at (almost) all costs.

### **Canadian Activists**

The responses of the Canadian public to the conflict in Burnt Church were varied, including concerns for native rights, conservation and the rule of law, as is typical in these situations. Most of this public debate and conversation was based on the media version of the events of the dispute, as outlined in the first chapter of this dissertation. As a result, the general public debate clearly reflected the framework and understanding of the dispute presented in the media and did not generally add new perspectives and insights to this confrontation over place. On the other hand, there were specific non-native groups and individuals who engaged with the dispute directly, attempting to articulate alternative positions to those usually represented in the Canadian media or by the Canadian government in its public positions. These activist groups included (1) the Christian Peacemaker Teams, an international violence reduction program of the Mennonite & Quaker churches, and (2) the Aboriginal Rights Coalition – Atlantic, a

regional coalition of United, Mennonite, Roman Catholic and Quaker churches, interested individuals and others. Both of these groups sent trained observer teams into Esgenoôpetitj to monitor the conflict, at the invitation of the First Nation. Janice Harvey, the Marine Conservation Director for the Conservation Council of New Brunswick, took a particular interest in the conflict, and wrote a series of pieces on it in an opinion column in the New Brunswick Telegraph Journal.<sup>6</sup> Taken together, these non-natives articulated an alternative understanding of events in Burnt Church sympathetic to native rights and critical of the federal government's actions, characterizing the government itself as one of the key players in the conflict, rather than as an impartial arbiter. Their account of the dispute, embedded within a particular sense of Burnt Church as a place, is significant not simply because of its public influence, but especially because of the impact it had on local people in the dispute, over time.

The views of these non-native environmental and social justice activists brought another important non-local sense of place to bear in the dispute. Their accounts of what was happening in Burnt Church were made public in reports, articles and press releases, attempts both to influence the public perception of the dispute, and to put pressure on the Canadian government. The Christian Peacemaker Teams (CPT) reported on their activities in and observations of Burnt Church in their report, *Gunboat Diplomacy: Canada's Abuse of Human Rights at Esgenoôpetitj (Burnt Church, New Brunswick)*, in 2001. One Peacemaker, John Finlay, chronicled his experiences in Burnt Church in an online diary for the CBC (Finlay, 2000). Members of the Aboriginal Rights Coalition – Atlantic (ARC-A), and ARC-A Observers, wrote press releases, gave media interviews,

---

<sup>6</sup> Many other non-natives, like activists within the New Brunswick Environmental Network, or the General Council of the United Church of Canada, position themselves similarly.

and wrote articles for both the general public and the member churches of their coalition. The Conservation Council of New Brunswick (CCNB) evaluated and publicly endorsed the *Draft for EFN (Esgenoôpetitj First Nation) Fisheries Act*, the First Nation's management plan for the fishery. Janice Harvey, the CCNB Marine Conservation Director, put forward her analysis of the situation in opinion pieces in the regional paper. Taken together, these sources chronicle an important justice and conservation-oriented, non-native view of the dispute. Every individual involved in these various groups has slightly different concerns and perspectives, but, taken together, the public views of these groups represent a communal construct which had a significant presence and influence in the dispute, and which will be examined as such. Of course, there is much more to say about each of these people and groups on their own terms;<sup>7</sup> for the purposes of this dissertation, a broad sketch of their sense of Burnt Church, and this perception's influence on the dispute, will have to suffice.

Canadian activists involved in the Burnt Church dispute view the Marshall Decision as a decision which upholds the validity of the native fishery in native terms. It affirms, as Janice Harvey puts it, that native fishers "are doing nothing wrong. They have the right to fish. Period." (1999) Most recognize Mi'kmaq claims to sovereignty in their territory, or argue that these claims should be taken seriously:

"EFN says it has an inherent right, a right under its treaties, and a right under international law to manage its own fishery. The government of Canada disputes these

---

<sup>7</sup> As a part of my dissertation research, I attended meetings and activities of the Aboriginal Rights Coalition – Atlantic as a participant observer, and interviewed four ARC-A members who were involved with the Observer project during the dispute. For the purposes of this analysis, which characterizes a broader activist perception of Burnt Church than simply that of ARC-A, I have not drawn on these experiences. Addressing my experiences with ARC-A properly will require a more significant commitment of time and space than is available in this dissertation, which focuses primarily on perceptions, values and experiences of local people in the dispute, and the impact of non-local actors on these. My analysis of the work of ARC-A, and its members, will appear in a subsequent work, post-dissertation.

rights, but is unwilling to refer the dispute to an independent forum” (Christian Peacemaker Teams 2001, 3)

They critique as biased the media’s portrayal of the native fishery as defiant or unlawful (United Church of Canada 2000, 2),<sup>8</sup> and argue that the actions of native fishers are legal both under Canadian law, as demonstrated in Marshall, and according to the original treaties signed by the Mi’kmaq nation and the Crown.

In this light, the actions of the Canadian government in Burnt Church are, for some of these activists, problematic, and for others, unlawful. Harvey characterizes the actions of the DFO in the waters of Miramichi Bay as “vigilante justice”, in that the government announced the “guilt” of native fishers and took action against them, without native fishers ever being charged or convicted in a court of law (2001). For the Christian Peacemaker Teams (CPT) as well as for Harvey, these actions of the government infringed upon the human rights of the people of Esgenoôpetitj. In its analysis, CPT clearly argues that the actions of the Canadian government at Burnt Church were illegal, according to the laws of Canada:

Canada says it has a right, which is disputed by Aboriginal peoples, to infringe on Aboriginal Rights if, and only if, the issue is compelling for Canada, the infringement is minimized, and the Aboriginal people affected are consulted. These conditions for infringement were not met at Esgenoôpetitj, and so Canada’s actions were illegal under Canadian law (CPT 2001, 3).

This concern with the nature and propriety of the Canadian government’s actions in Burnt Church, specifically their actions against native people, is what motivated the engagement of CPT and ARC-A in the dispute. Both groups sent teams of non-native people into Esgenoôpetitj, to monitor the native fishery and the government. These people watched the fishery from shore and accompanied natives in their boats,

---

<sup>8</sup> This resolution of the United Church of Canada’s General Council was written by UCC activists involved in ARC-A and the ARC-A Observer Project.

documenting the government's enforcement activities on film and video. Their work was supported through donations from people across their coalitions' networks, in the Atlantic region and across Canada. Within the ARC-A network, some felt "thankful" that they could support the work of the Observer Teams in the dispute, "that finally there is something concrete and meaningful we can do regarding Aboriginal rights" (Tusz-King 2001, 3). This view of the dispute, in which the actions of native fishers are characterized as legal, and those of the Canadian government illegal, clearly has important elements in common with the Mi'kmaq story of the dispute.

As Berglund & Anderson have argued, "conservation invokes metaphors... to separate people from their lands, but also to discriminate people from people" (2003, 3). In many cases, as in Berglund & Anderson's examples, and in the Canadian government's attitudes to the Mi'kmaq of Burnt Church, this discrimination can serve to dispossess aboriginal peoples. The Canadian activists discussed here articulate and enact their justice positions specifically to oppose such discrimination against aboriginal peoples, with hope of rectifying this historic injustice. In Latin America, as Stephen Bede Scharper discusses, theologians and activists involved in the justice movement Liberation Theology articulate a "preferential option for the poor" (1998). In Canada, the work of these activists might be understood as advocating a "preferential option for aboriginal peoples," as a way of addressing the long history of dispossession and oppression visited upon natives by settlers. This is probably most true in the case of the ARC-A Observer Project, as there is a direct connection between Latin American solidarity work and their work in the dispute. The Tatamagouche Centre of the United Church of Canada, one of the sponsors of the Observer Project, has a long history of justice work in Guatemala,

including training and sponsoring individuals to accompany and protect Guatemalan indigenous peoples in the 1990s. ARC-A and Tatamagouche Centre drew directly on this experience in setting up and carrying out the Observer Project, seeing it as continuous with their ongoing concerns for justice around the world.

After the first visits of CPT and ARC-A to Burnt Church, Canadian activists did not generally build relationships in the English village of Burnt Church, as their priority was solidarity with the people of Esgenoôpetitj, in their stand against the Canadian government. The absence of in-depth discussion of the people of the English village in the articles and reports of CPT and ARC-A, except as aggressors, demonstrates this point. For the English residents of Burnt Church, this fact is also demonstrated by the actions of the United Church of Canada. The United Church, where most English residents are members, is also one of the sponsoring organizations of the Aboriginal Rights Coalition – Atlantic (ARC-A) . During the dispute, church-based activists involved in ARC-A wrote a resolution submitted to the General Council, the United Church’s highest court, supporting the native fishery in Burnt Church, and decrying the actions of the government and the media in the dispute (United Church of Canada, 2000). This resolution, which was passed by the United Church in the summer of 2000, does not mention the English community in Burnt Church in any way, let alone attempt to characterize its concerns. Days later, the Church passed a second resolution, which recognized the importance of “joint livelihood” and “cross-cultural dialogue” (Pardy, 2000), but for the residents of the English Burnt Church, it was already clear that their concerns were not being taken seriously by these activist groups or by their church.

Generally, Canadian activists who involved themselves in the dispute did so with great sympathy for aboriginal people involved in the fishery, and their sense of place, and with much less sympathy for non-native locals. Most of them remained unequipped to speculate about the motivations and values of non-native residents, beyond naming concerns for livelihood, and racism, as possible factors. John Finlay, the CPT diarist for the CBC, reflected,

It is really difficult to get a true sense of the depth of the feelings which the non-native fishers have. They obviously perceive a threat to their livelihood and way of life, but what else is it based on in addition to the negative feelings towards Mi'kmaq which have been learned at a very early age? (Finlay 2000, 12)

In the “activist view” characterized here, the primary conflict at Burnt Church was between the lawful native fishery and the unlawful government. Non-native residents are seen to be peripheral to the situation, since the conflict with the government is not “theirs”, and are also seen to be unsympathetic, since their concerns are so often positioned as opposing native claims.<sup>9</sup>

As demonstrated above, these activists attempt to challenge many of the myths Canadians have about themselves and their country, by witnessing and exposing what they see as the injustice in the government’s actions in Burnt Church during the dispute, and presenting this injustice within the larger framework of Canadian injustice against First Nations people. Interestingly, in his chronicling of Christian Peacemaker Teams’ solidarity work in Burnt Church, Finlay not only critiques some myths of Canadian nationalism and identity, he invokes others to support his position:

---

<sup>9</sup> Some days after the encounter on the wharf, as he prepared to leave the community of Esgenoôpetitj, Finlay’s reflections on his own political position return to this subject: “Have these people (the Mi'kmaq) converted me to their cause? Am I becoming an “Indian lover?” Do I care more about them than the non-native fishers? No, no, and *not really*” (2000, 8 – emphasis added).

Much of our time here in Burnt Church is spent in true Canadian fashion (as in our national anthem) in that we are “on guard” for up to twenty hours each day. In this case that means sitting along the shore with binoculars, a cell phone, and some photography equipment maintaining a watch of the bay (2000, 15).

In this case, Finlay is suggesting that the work of CPT is essentially Canadian, in that they (Canadians) are standing “on guard” for justice, against their government, in solidarity with the Mi’kmaq. In order to frame his own actions in positive terms, Finlay invokes another myth of Canada, a metaphor to compete with the government’s metaphor, and win some sympathy for his justice position from the Canadian public.

Within the activist circles described here, there was a profound effort to take seriously the concerns of aboriginal people, and the values and experiences which motivated them in the dispute. Many took great risks to stand with Mi’kmaq fishers, against the Canadian government, in what they believed was justice and solidarity. These actions were often motivated, at the individual level as well as within the coalitions, by Christian faith. From the perspective of the native community, though the presence of these activists in their community did not come without its challenges (particularly in building trust with non-natives), some believed that the activist presence tempered the government’s enforcement actions and even saved lives. In the English community, the presence of the Peacemakers and Observers was galling, precisely because they took the aboriginal view so seriously and apparently had so little understanding of other local experiences:

*They were there to help the Indians – they weren’t there to try and make peace between the two communities.... They were there to promote the Indians’ thinking with the government, and to put us down because we weren’t doing what they thought we should be doing.*

In this case, the activist discourse for aboriginal justice replicates some of the same faults as Guha (1989a) and DuPuis & Vandergeest (1996) have described in the discourse of conservation, marginalizing the values of rural (non-native) people, and attempting to impose the values of the activist justice discourse, the “preferential option for aboriginal peoples,” upon them. Mi’kmaq sense of place, the ties of the people to the land and waters of Burnt Church are appropriately and importantly recognized. Since they do not conform with the views of non-native activists, the perspectives of non-native locals find no place, and seem, to many of these Canadian activists, neither penetrable nor truly relevant.

Each of the senses of place outlined in this chapter could be explored in much more detail. Through this discussion, though, it is clear that many senses of place were operating in the Burnt Church dispute, and that no party holds a neutral or objective position. The values and views of local and non-local actors must be taken into account as we develop a picture of “what it really was all about”, as has been attempted in the previous chapters. As the conclusion discusses in greater depth, understanding and addressing these values, beliefs and senses of place is also critically important as we endeavour to build solutions to environmental conflicts, in Burnt Church/Esgenoôpetitj and elsewhere.

## **Conclusions**

### **Return to Burnt Church**

In the early summer of 2007, I returned to Burnt Church, to visit friends and colleagues, and to share excerpts and ideas from my dissertation with those who were interested. Life in the communities is not stagnant; people's views, concerns and relationships continue to shift and change over time. The stories and ideas discussed in this dissertation reflect life in the Burnt Church/Esgenoôpetitj in 2004-05. In 2007, when I returned, some were hopeful and felt that conditions were improving in and between the communities, but others said their concerns, especially over social conditions in the First Nation, were increasing.

In the First Nation, life continues to be challenging. While more people have work in the fishery, poverty, overcrowding, addiction and despair are on the resurgence, and some of those with whom I spoke feel that conditions in the reserve are declining again. The elected chief and council have moved the fisheries offices and officers out of the new building built for their work into the old fire hall, and opened a small gambling establishment in the new building, to generate revenue. The charismatic Bible Study group continues to meet, now under native leadership from within the community. In the English community, the day-to-day rhythms and routines remain. Some men have left the community for employment in Alberta's oil fields, since there is little new work to be had locally. There is a new Minister at St. David's United Church, but otherwise people's lives and occupations remain much as they were.

At the Burnt Church wharf, two native boats currently join the non-native fishers for the commercial season; the rest of the native fishers dock their boats in neighbouring Néguac or Tabusintac, or fish from small boats and dories. The lobster fishery continues to be in conflict; traps are cut when people from the “wrong” wharf are thought by others to be fishing in the “wrong” area. This conflict began in the season of 2005, when I was living in Burnt Church, and continued during my return in the 2007 season. Catches seem to continue to decline, and some are very pessimistic about the future of the fishery. Lucrative though the lobster fishery may be in dollar terms, it remains a challenging industry, requiring increasingly intensive work for apparently diminishing catches.

In the months before my 2007 visit, a series of fires were set, both in homes in the First Nation and in seasonal residences in the English village. The arsonists are believed by people in both communities to have come from the First Nation. For the native activists I know, these occurrences are confirmations of the ongoing despair and challenge of reserve life. For many English residents, these events simply confirm their perceptions of the problems present on the reserve. But one English resident told me that when one of the fires occurred, and on another occasion of petty theft, she felt comfortable, for the first time, calling over to a native neighbour to talk about the problem. Calling this neighbour, who was a vocal activist and leader during the dispute, was an important sign for June of the possibility of positive relationships developing between the two communities. June also pointed out that St. David’s church had hired the Mi’kmaq organist from St. Anne’s Parish as their full time organist also, another bridging of the divide between the two communities. In such a short trip, it is hard to evaluate the nature of the changes in relationship between the two communities. The challenge and

instability of life on reserve remains, and perhaps is getting worse, and yet in the midst of this, some few new connections between the communities are being forged.

### **Religion, Values and Environmental Conflict**

Throughout this dissertation, I have argued that attending to religion and values as a dimension of the dispute in Burnt Church is helpful in understanding the conflict there, and might be helpful in understanding such situations as they arise in other places in Canada. At its core, Burnt Church is a contested place, historically and culturally shaped by religion as a force in colonization and settlement. More than this, sense of place is religiously grounded and constructed. As Basso argues, sense of place is a communal social force which binds together landscape, history, politics, ritual and belief in a shared identity (1996, 145). For the people of the English and Mi'kmaq Burnt Churches, the events of the dispute were shaped and created by their divergent senses of place, as they have developed in tension and in tandem over the centuries.

The dispute precipitated new struggles as people found their deeply held values and beliefs challenged and confronted. In the First Nation, while deep commitment to indigenous rights and sovereignty motivated people during the dispute, in its aftermath many found themselves confronting the challenge of these commitments again, as they found some of their hopes unfulfilled. Not only are rights and sovereignty understood as one dimension of a larger Mi'kmaq worldview, but personal and communal commitments to these goals continue to be expressed in and through religion, in traditional and Christian practice. For English residents, the experience of the dispute raised a profound challenge to their sense of themselves and their place as Canadian. To address these

challenges, public ritual and religious expression, such as the installation of the cenotaph or the festivities of Canada Day, became important in reclaiming the village as a Canadian place.

The dominant public discourses of the dispute often left little space for the expression of local values and concerns, as they tended to focus on conservation of, and authority to regulate, lobsters. In some ways, the conservation discourse of the dispute replicates the colonializing and globalizing impositions of transnational debates on indigenous and rural communities, as described by Guha (1989a, 1989b) and Vandergeest & DuPuis (1996), amongst others. Yet within the two communities of Burnt Church/Esgenoôpetitj, locals found many ways to frame other values and concerns within the conservation discourse. In Esgenoôpetitj, the community's management plan was an expression of Mi'kmaq values, and a critique of the Canadian government, couched in the language of conservation (Ward & Augustine 2000). In the English community, concerns for livelihood, as well as critiques of government, were expressed in terms of conservation, and both communities found that using the language of conservation was an important tool for seeking allies outside of their communities. Focusing on conservation was not the only way in which external definitions of the dispute and of the communities were negotiated during and after the conflict. The Canadian government also made its arguments for order and authority with appeals to nationalist myths, like that of "peace, order and good government," or the ideal of RCMP policing as "the Canadian Way." Amongst activist communities working to oppose or resist the government, and express solidarity with native people, mythic nationalist language remained a tool with which people expressed their concerns and critiques for justice.

In the Burnt Church dispute, the conflict was prolonged because many players were unwilling or unable to acknowledge the values and concerns motivating others in the dispute. Frequently, the terms of appointment for mediators or consultants precluded them from addressing issues critical to the Mi'kmaq, and to their English neighbours, such as rights and sovereignty (as interpreted by each community). Negotiating how many lobsters one can catch is a moot point, when the questions of whose voices count in decision making have not been resolved, and when dissenting voices are ignored rather than acknowledged. Asking questions about religion and values in the context of this dispute, and others like it, opens up the conversation by eliciting the concerns of people in their own terms, and by helping to identify the values and interests already in play. Addressing these deeper concerns is the true challenge of resolving disputes such as that in Burnt Church.

### **“Our Home and Native Land”**

In Canada, there is a tendency to characterize problems such as the poverty, unemployment and despair of the residents of Esngenôpetitj, or the conflicts that erupt from this simmering tension, like those at Burnt Church, Oka, Ipperwash or Caledonia, as a part of the “Indian problem,” as Noel Dyck has carefully described (1991). Canadians often muse about the “Indian problem” by asking what is to be done about “our native people.” Framing the situation as a “problem” of “our Indians” like this is deeply problematic. It presumes that the root of this conflict lies in native people themselves, for example, in their “inability to adjust to Western culture,” or their “reliance on the welfare state,” rather than recognizing the fundamental flaws in the

relationships between native and settler communities which give rise to inequality and unrest (Dyck 1991, 2). Indigenous people have, in fact, adapted to mainstream “Canadian” culture in many ways: they speak Canadian languages, can navigate Canadian social and educational systems, and understand Canadian cultural norms. The same cannot generally be said about Canadian understandings of indigenous cultures and communities. Further, the notion of the “Indian problem” embodies a patronizing and patriarchal attitude, one which implies that indigenous peoples somehow “belong to” Canada and that it falls to Canadians to solve their “problem” as parents do for children.

Perhaps the situation in Burnt Church/Esgenoôpetitj could be understood as a “Canadian problem,” one dimension of a pervasive, ongoing conflict between Canada and the indigenous peoples whose territories were settled by Canadians. This “Canadian problem” might be defined as resulting not from the supposed inadequacy of indigenous peoples to deal with settler culture, but rather from the inability of the Canadian government to maintain successful relationships with aboriginal peoples, and the fundamental reluctance of Canadians themselves to recognize their positions in the ongoing structures of colonization. The ongoing conflict between indigenous people and Canada does not result simply from indigenous “maladaptation”; long-standing Canadian policies of extinguishment towards aboriginal rights and identities (see, for further discussion, King 2003, Paul 2000), which were predicated on the erasure of aboriginal people and places in the establishment of the Canadian nation (as briefly outlined in the introduction), have fundamentally shaped this conflict. Canadians must begin to recognize the legitimacy and persistence of indigenous senses of place (even when such

views are radically more sovereigntist or indigenous than is comfortable), alongside their own legitimate senses of, and relationships to, place.

In the dispute, the government positioned itself as an impartial authority, attempting to maintain “order” according to the peaceful and neighbourly principles of “the Canadian way.” In reality, the Canadian government could not avoid being a party to the dispute, vying for an outcome that maintained federal authority over the place and peoples of Burnt Church, in Canadian terms. By refusing to engage in discussions with the Mi’kmaq that included addressing questions of aboriginal sovereignty and native rights, the government appeared to maintain the position that the problems of the dispute were rooted in a conflict over fishery access (a “lobster problem”) and the unlawfulness of the Indians (the “Indian problem,”) rather than in Canada’s treatment of and relationship with the Mi’kmaq (the “Canadian problem.”)

For Canadian people, the fundamental challenge of the situation remains to engage in reflection and analysis about their role as settlers in a colonial nation, and about the ways in which Canadians’ relationship to their place as Canada shapes their relationships with indigenous people. In her discussion of antiracism work in the Canadian feminist movement, and in Canadian social movements more generally, Srivastava outlines the importance of “contemporary national discourses of tolerance, multiculturalism and nonracism” in Canada (2005, 35). In this context, the liberal discourse of equality denies that racism is a systemic or everyday problem in Canadian society, promoting instead a “national story’ of benevolence and generosity” (Srivastava 2005, 35). Addressing the racialized structure of our society, in this sense, is profoundly challenging because Canadian moral identity is so tied up in this vision of equality, a

vision which, like all national visions, “requires not only sameness and communion but also forgetting difference and oppression” (Anderson 1992 in Srivastava 2005, 39).

Beyond these challenges to Canadian moral identity, confronting the racism inherent in Canada’s relationship with aboriginal peoples requires confronting fundamental questions about Canada’s history and legitimacy as a colonial state. Taiiaki Alfred, an indigenist academic, argues that

most Settlers are in denial. They know that the foundations of their countries are corrupt, and they know that their countries are “colonial” in historical terms, but they still refuse to see and accept the fact that there can be no rhetorical transcendence and retelling of the past to make it right without making fundamental changes to their government, society, and the way they live. ...To deny the truth is an essential cultural and psychological process in Settler society (2005, 107).

Alfred’s argument implies that confronting Canada’s treatment of and attitude toward indigenous people on this deep level threatens to displace Canada and Canadians, much as the challenge of the people of Esogenôpetitj threatens to displace the English people of Burnt Church. Like the English residents, many settlers know Canada as their only home and wonder, “*Why do I have to pay for the sins of my forefathers?*” But the problems inherent in Canadians’ relationships with indigenous peoples are not only historical; they exist in individual, social and political lives in the present. Perhaps the isolation and denigration which the English community of Burnt Church felt from other Canadians during the dispute was not only a result of the marginalization of rural communities (Vandergeest & DuPuis 1996), but also occurred because it was easier to blame a small local group for the racism of the conflict, rather than recognize the pervasive and systemic nature of the “Canadian problem.” Perhaps it is the fundamental discomfort of this sort of reflection that makes it easier for some (especially among those of us on the political left) to articulate positions “with” the Mi’kmaq and “against” the Canadian

government, without also reflecting upon our shared position, with the English villagers, as Canadian settlers.

This sort of social and political analysis and reflection on the part of Canadians and their government does not, in my view, require the wholesale rejection of the Canadian project, even though some more radical native activists call for this approach. Militant indigenist activist Sakej, a Warrior and leader in the dispute at Burnt Church, argues for the radical rejection of the institution of Canada as a necessary condition of decolonization, something he believes is impossible for Canadians to consider.<sup>1</sup>

The problem is this: if you're asking a colonizer who lives right here on your land to go through the period of decolonization and to admit that his (sic) ownership of his private property is wrong; that his job is based on exploitation of your resources and is wrong; that his whole social, political, and economic structure is wrong. How many non-native people in Canada are going to turn around and sympathize to that degree? (interviewed in Alfred 2005, 68)

What Sakej says is true: if reconciling these conflicts means de-legitimizing every aspect of Canadian society, then this project will have little sympathy amongst non-natives, and, as he goes on to argue, will see little progress. The reconciliation of these competing senses of place requires critical self-examination on the part of Canadians, to address the ways in which Canadians might rely upon and perpetuate the injustices of colonization, both personally and collectively. But it also requires the recognition that Canadian senses of place, such as those of the English villagers in Burnt Church, or the activists who involved themselves in the conflict, are also grounded in lived experience of these lands and landscapes.

---

<sup>1</sup> For Sakej, a leader in the East Coast Warrior Society and in the dispute at Burnt Church, this problem is what leads him to the conviction that armed struggle is the only solution for native people seeking justice. See his discussion in Alfred, 2005.

The self-examination and reflection that is called for here is not a personal accounting of actions, an engagement with guilt, or an affective outburst, but an engagement with the systemic problems which have brought about this situation. Confronting the trauma of “difficult knowledge,” such as knowledge of racism, oppression or genocide, can lead to a crisis of the self (Britzman 1998, in Srivastava 2005, 47). This “crisis” is often expressed by defensive emotions, expressions of deep sorrow, anxiety, sadness and guilt at hearing the stories of others’ trauma. These emotions can block understanding because they turn the situation into one about the listener, rather than one about the victim/survivor, by shifting focus to the emotional burden of the listener from the lived experience of the survivor (Srivastava, 2005). In his discussion of the emotions people use to fend off the trauma of learning about genocide, for example, Dori Laub documents how, when confronted with a deeply emotional response, the “testifier is simply flooded, drowned and lost in the listener’s defensive affectivity” (1992, in Srivastava 2005, 48).<sup>2</sup> When discussions of racism become highly personalized, people can become stuck in self-examination, framing racism as a personal evil rather than also a social and political problem which needs to be addressed. The suggestion that the difficult relationships between Canadian and indigenous peoples represent a “Canadian problem” (rather than an “Indian problem”) must not be heard as a call for some kind of collective Canadian self-abasement and emotivism, repenting for the evils of personal and institutional racism. Such a move would only continue to erase the concerns of indigenous people (and settlers) in their own communities. Instead, it

---

<sup>2</sup> Srivastava points out the usefulness of the Freudian notion of melancholia to describe this phenomenon. The loss of an ideal, the nonracist benevolent nation of Canada, can lead to expressions of this loss that are narcissistic, “I revile myself and rehabilitate the other... I refuse to speak to or of the other, but I speak voluminously about myself” (Butler 1997, in Srivastava 2005, 48-9).

requires a practical engagement with the real challenges of relationships between peoples of many nations and communities who inhabit one place, called “Canada” by some.

The work of confronting and addressing competing notions of place in Canada, or in Burnt Church, is not simply an accounting of individual emotion and responsibility, but an historical, social and political examination of settler and indigenous relationships with one another and with these places. This approach is one that recognizes the emplacement of indigenous cultures and communities, and also those of settlers, not as equivalent, but as equally worthy of engagement. Resolving the dispute in a way that brings real peace to the people of the Burnt Churches requires finding a way to address many competing senses of place. It requires taking the stories, histories, beliefs and values of local indigenous and settler communities seriously, as the fundamental dimensions of a larger political and social problem. It also requires recognizing that other parties to the dispute, like the Canadian government, also have an interest in its outcome, are not impartial, and are promoting their own competing notions of place. As these conflicts continue to arise across Canada, they must not continue to be defined in thin, simplistic terms, as conflicts over lobster, golf courses, hydroelectric power or subdivisions. While these issues are certainly part of such conflicts, the real challenges of disputes between indigenous people and settlers are much more complex, as I have shown in this exploration of the dispute in Burnt Church/Esgenoôpetitj. Finding practical solutions to environmental problems such as these requires that the importance of the complicated interests and deep values of all parties begin to be recognized.

The dispute itself is a profoundly Canadian conflict, not simply an “Indian problem.” Perhaps it is not possible to engage in a discussion of place without invoking

mythic notions, as place itself is so deeply felt, involves rational and non-rational forms of knowledge, is the necessary ground of experience. Like the member of the Christian Peacemaker Teams who described his work in Burnt Church in the language of the Canadian national anthem (as being “on guard”) (Finlay 2000), I see the conflict in Burnt Church expressed in the language of Canada’s national myth. Only, I would argue, the problem at the heart of the dispute in Burnt Church/Esgenoôpetitj for Canadians is that this place is both “our home *and* native land.” Addressing the dispute requires that Mi’kmaq sense of place is taken seriously, in its own terms; this is native land. At the same time, it requires that Canadians recognize that the ties of settlers to this place are also real and profound, and must also be taken seriously. Our home *is* native land.

## Bibliography

Adamson, Marg (no date) "Black Sunday" unpublished poem in the author's possession.

Adamson, Marg (no date) "The Forgotten Burnt Church" unpublished poem in the author's possession.

Adlam, Robert G. (1999) "The Discourse of an Aboriginal Fishery" *Language and Identity: Papers from the Twenty-third Meeting of the Atlantic Provinces Linguistic Association*. Wendy Burnett & Robert Adlam eds. Sackville: Mount Allison University.

Alfred, Taiaiake (2005) *Wasáse: indigenous pathways of action and freedom*. Peterborough: Broadview Press.

Armitage, Peter and Daniel Ashini (1998) "Partners in the present to safeguard the past: Building cooperative relations between the Innu and archaeologists regarding archaeological research in Innu territory." *Etudes/Inuit/Studies* 22(2): 31-40.

Augustine, Chief Roger J. & Mr. Justice Guy Richard (2002) *Miramichi Bay Community Relations Panel. Building Bridges: Miramichi Fishing Communities at a Crossroad*. Department of Fisheries and Oceans, Government of Canada, [http://www.dfo-mpo.gc.ca/communic/Marshall/related/miramichi/miramichi-rep\\_e.pdf](http://www.dfo-mpo.gc.ca/communic/Marshall/related/miramichi/miramichi-rep_e.pdf), June 30, 2007.

Augustine, Chief Roger J. & Mr. Justice Guy Richard (2002b) "Executive Summary" *Miramichi Bay Community Relations Panel. Building Bridges: Miramichi Fishing Communities at a Crossroad*. Department of Fisheries and Oceans, Government of Canada, [http://www.dfo-mpo.gc.ca/communic/Marshall/related/miramichi/miramichi-exe\\_e.htm](http://www.dfo-mpo.gc.ca/communic/Marshall/related/miramichi/miramichi-exe_e.htm), June 30, 2007.

Auld, Alison (1999) "Tensions high in Atlantic fish fight" *Canadian Press*, October 4, 1999. Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/news/bc\\_cp\\_19991004.htm](http://www.rism.org/isg/dlp/bc/news/bc_cp_19991004.htm), April 21, 2006.

Auld, Alison (1999b) "Residents living under 'state of siege': Vandalism, mistrust kill neighbourly relations" *The Ottawa Citizen*, Oct. 6, 1999. Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/news/bc\\_oc\\_19991006\\_2.htm](http://www.rism.org/isg/dlp/bc/news/bc_oc_19991006_2.htm), April 22, 2006.

Basque, Maurice (1991) *Entre Baie Et Peninsule: Histoire de Neguac*. Village de Neguac.

Basso, Keith H. (1996) *Wisdom Sits in Places: Landscape and Language Among the Western Apache*. Albuquerque: University of New Mexico Press.

Bellah, Robert N. (1967) "Civil Religion in America" *Dædalus, Journal of the American Academy of Arts and Sciences*, 96:1, pp. 1-21.

[http://www.robertbellah.com/articles\\_5.htm](http://www.robertbellah.com/articles_5.htm) August 7, 2007.

Bellah, Robert N. (1991) "Introduction: Civil Religion in America" *Beyond Belief: Essays on Religion in a Post-Traditionalist World*. Berkeley: University of California Press. [http://www.robertbellah.com/articles\\_5.htm](http://www.robertbellah.com/articles_5.htm) August 7, 2007.

Berger, Thomas (1977) *Northern frontier, northern homeland: The Report of the Mackenzie Valley Pipeline Inquiry* Ottawa: J. Lorimer in association with Publishing Centre, Supply and Services Canada.

Berglund, Eeva & David G. Anderson (2003) "Introduction: Towards an Ethnography of Ecological Underprivilege" *Ethnographies of Conservation* ed. Anderson & Berglund. New York: Berghahn Books.

Bosum, Abel (2001) "Community Dispersal and Organization: The Case of Ouje-Bougoumou" *Aboriginal Autonomy and Development in Northern Quebec and Labrador* ed. Colin H. Scott. Vancouver: University of British Columbia Press.

Brown, Charles (2003) "The Real and the Good: Phenomenology and the Possibility of an Axiological Rationality" *Eco-Phenomenology: back to the earth itself* ed. Charles Brown & Ted Toadvine Albany: State University of New York Press.

Bruner, Edward M. (1997) "Ethnography as Narrative" *Memory, Identity, Community: the Idea of Narrative in the Human Sciences* Lewis P. & Sandra K. Hinchman. Albany: State University of New York.

Caddy, James (2001) "The Caddy Report: The Lobster Resource in the Miramichi Bay" Department of Fisheries and Oceans, Government of Canada [http://www.dfo-mpo.gc.ca/communic/Marshall/related/caddy/report\\_e.pdf](http://www.dfo-mpo.gc.ca/communic/Marshall/related/caddy/report_e.pdf), April 21, 2006.

Camp, Dalton (1999) "Silence is not good enough" *New Brunswick Telegraph Journal* Oct. 5, 1999: A7.

Canadian Press (1999) "Fisheries and Oceans: Minister Dhaliwal Provides Update Statement on Marshall Case Ruling" *Canadian Press*, Friday, October 1, 1999. Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/news/bc\\_cp\\_19991001.htm](http://www.rism.org/isg/dlp/bc/news/bc_cp_19991001.htm), April 21, 2006

Canadian Press (1999b) "Natives to observe commercial season" Oct. 22, 1999. Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/news/bc\\_cp\\_19991022.htm](http://www.rism.org/isg/dlp/bc/news/bc_cp_19991022.htm), April 22, 2006

- Canadian Press (2000) "Tensions heating up in native fishery" May 6, 2000. Accessed through Research Institute for the Study of Man, <http://www.rism.org/isg/dlp/bc/news/2000.htm#20000507>, April 22, 2006.
- Canadian Press, Chris Morris (2000) "Ottawa flotilla sinks native boats" Aug. 30, 2000 (photo dated Aug. 29). Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/news/bc\\_cp\\_20000830.htm](http://www.rism.org/isg/dlp/bc/news/bc_cp_20000830.htm), April 22, 2006.
- Capps, Walter (1995) *Religious Studies: The Making of a Discipline* Minneapolis: Augsburg Fortress.
- Casey, Edward S. (1993) *Getting Back into Place; Toward a Renewed Understanding of the Place-World*. Bloomington: Indiana University Press.
- CBC (1999) "Court limits Marshall Decision" *CBC News Indepth: Fishing Fury* Nov. 17, 1999. <http://www.cbc.ca/news/background/fishing/newsarchive.html>, April 22, 2006.
- CBC (1999b) "First Nations react to Marshall clarification" *CBC News Indepth: Fishing Fury* Nov. 18, 1999. <http://www.cbc.ca/news/background/fishing/newsarchive.html>, April 22, 2006.
- CBC (2000) "N.B Natives and DFO face off over lobster" *CBC News Indepth: Fishing Fury* Aug. 12, 2000. <http://www.cbc.ca/news/background/fishing/newsarchive.html>, April 22, 2006.
- CBC (2001) "RCMP check for lobster sabotage in Miramichi" *CBC News Online*, August 27, 2001. [http://www.cbc.ca/canada/story/2001/08/27/burntchurch\\_010827.html](http://www.cbc.ca/canada/story/2001/08/27/burntchurch_010827.html), August 11, 2006
- CBC (2002) "Panel Aims for Peace in Burnt Church Dispute." *CBC News Indepth: Fishing Fury* April 9, 2002. <http://www.cbc.ca/news/story/2002/04/08/burntchurch020408.html>, September 26, 2002
- Cheney, Jim (1997) "Postmodern Environmental Ethics: Ethics as Bioregional Narrative" *Memory, Identity, Community: the Idea of Narrative in the Human Sciences* Lewis P. & Sandra K. Hinchman. Albany: State University of New York Press.
- Christian Peacemaker Teams (2001) *Gunboat Diplomacy: Canada's Abuse of Human Rights at Esgenoôpetitj (Burnt Church, New Brunswick)* Toronto: Christian Peacemaker Teams.
- Coates, Ken. (2000) *The Marshall Decision and Native Rights*. Montreal & Kingston: McGill-Queen's University Press.
- Conklin, Beth A. & Laura R. Graham (1995) "The Shifting Middle Ground: Amazonian Indians and Eco-Politics" *American Anthropologist* 97(4): 695-710.

Conklin, Beth A. (1997) "body paint, feathers and vcrs: aesthetics and authenticity in Amazonian activism" *American Ethnologist* 24(4): 711-737.

Conklin, Beth A. (2002) "Shamans versus Pirates in the Amazonian Treasure Chest." *American Anthropologist* 104(4): 1005-1061.

Cresswell, John W. (1998) *Qualitative Inquiry and Research Design: Choosing among Five Traditions* Thousand Oaks: Sage.

Deloria Jr, Vine (1994) "Sacred Places and Moral Responsibility" Excerpt from *God is Red: a Native View of Religion in Worldviews, Religion and Environment: a Global Anthology* (2003) ed. Richard C. Foltz. Toronto: Thomson Wadsworth.

Department of Fisheries and Oceans (1999) "Statement by Herb Dhaliwal, Minister of Fisheries and Oceans. Update on Marshall Case Ruling." Oct. 1, 1999. Government of Canada, [http://www.dfo-mpo.gc.ca/media/statem/1999/19991001\\_e.htm](http://www.dfo-mpo.gc.ca/media/statem/1999/19991001_e.htm), May 21, 2006.

Department of Fisheries and Oceans (2000) "Statement by Herb Dhaliwal, Minister of Fisheries and Oceans. Update on fisheries affected by the Supreme Court's Marshall decision." Sept. 21, 2000. Government of Canada, [http://www.dfo-mpo.gc.ca/media/statem/2000/20000921\\_e.htm](http://www.dfo-mpo.gc.ca/media/statem/2000/20000921_e.htm), May 21, 2006.

Department of Fisheries and Oceans (2000b) *Infocéan, Juin 2000* Government of Canada, <http://www.gc.dfo-mpo.gc.ca/en/gen/infocean/2000/2000-05/juinjuillet2000.htm>, July 6, 2007

Department of Fisheries and Oceans (2000c) "Letter to the Editor" (responding to John Cummins MP, signed by Fisheries Minister Herb Dhaliwal) Government of Canada, [http://www.dfo-mpo.gc.ca/communic/Marshall/media/letters/cummins\\_e.htm](http://www.dfo-mpo.gc.ca/communic/Marshall/media/letters/cummins_e.htm), July 4, 2006.

Department of Fisheries and Oceans (2001a) "Ministers Announce Negotiators, Process for Long-term Response to Marshall" Government of Canada, [http://www.dfo-mpo.gc.ca/media/newsrel/2001/hq-ac09\\_e.htm](http://www.dfo-mpo.gc.ca/media/newsrel/2001/hq-ac09_e.htm), July 6, 2007

Department of Fisheries and Oceans (2002) "Key Elements of an Agreement-in-Principle for a Comprehensive Fisheries Agreement with Burnt Church." Government of Canada, [http://www.dfo-mpo.gc.ca/media/backgrou/2002/hq-ac96a\\_e.htm](http://www.dfo-mpo.gc.ca/media/backgrou/2002/hq-ac96a_e.htm), July 6, 2007.

Department of Justice, Canada (1982) *Canadian Charter of Rights and Freedoms* Schedule B: Constitution Act 1982. Government of Canada, <http://laws.justice.gc.ca/en/charter/index.html>, June 29, 2007.

Desjardins, Joseph R. (2006) *Environmental Ethics: an introduction to environmental philosophy 4<sup>th</sup> edition* Australia: Thomson Wadsworth.

Devall, Bill & George Sessions (1985) *Deep Ecology: Living as if Nature Mattered* Salt Lake City: Gibbs Smith.

Dharamsi, Titch (2000) "No retreat from Burnt Church" *National Post* Sept. 20, 2000. Accessed through Comititas Institute for Anthropological Study, [http://www.tc.columbia.edu/centers/cifas/socialdisparity/news/bc\\_np\\_20000920\\_2.htm](http://www.tc.columbia.edu/centers/cifas/socialdisparity/news/bc_np_20000920_2.htm) Aug. 7, 2007.

Dombrowski, Kirk. (2002) "The Praxis of Indigenism and Alaska Native Timber Politics" *American Anthropologist* 104(4): 1062-1073.

Doyle-Bedwell, Patricia & Fay G. Cohen. "Aboriginal Peoples in Canada: Their Role in Shaping Environmental Trends in the Twenty-first Century" *Governing the Environment: Persistent Challenges, Uncertain Innovations*. Edward A. Parson ed. Toronto: University of Toronto Press.

Dragland, Stan (1994) *Floating Voice: Duncan Campbell Scott and the literature of Treaty 9* Toronto: Anansi.

Dyck, Noel (1991) *What is the Indian "Problem": Tutelage and Resistance in Canadian Indian Administration* St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland.

Energy, Mines and Resources Canada (1992) Map Section "Chatham, Northumberland County, New Brunswick" 21P/3, Edition 4. Her Majesty the Queen: National Topographic System.

Finlay, John (2000) "Burnt Church Diaries" CBC. Accessed through Comititas Institute for Anthropological Study, <http://www.tc.columbia.edu/centers/cifas/socialdisparity/perspectives/diaries.htm>, June 21, 2006.

Freeman, Victoria (2002) *Distant Relations: how my ancestors colonized North America* Toronto: Random House.

Frodeman, Robert (2005) "Place" *Encyclopedia of Science, Technology and Ethics* ed. Carl Mitcham. Detroit: Thomson Gale.

Geertz, Clifford (1966) "Religion as a Cultural System" *Anthropological Approaches to the Study of Religion* ed. M. Banton New York: Praeger.

gkisedtanamoogk (2007) *personal communication*.

Greer, Allan (2000) *The Jesuit Relations: natives and missionaries in seventeenth-century North America* Boston: Bedford/St. Martins.

Greer, Allan (2005) *Mohawk Saint: Catherine Tekakwitha and the Jesuits* New York: Oxford University Press.

Guha, Ramachandra (1989a) *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya*. Delhi: Oxford University Press.

Guha, Ramachandra (1989b) "Radical Environmentalism: A Third World Critique," *Environmental Ethics* 11, no. 1: 71–83.

Gupta, Akhil & James Ferguson (1997) *Culture, Power, Place: Explorations in Critical Anthropology* Durham: Duke University Press.

Harvey, Janice (1999) "Revolution in fishing is not a threat" *New Brunswick Telegraph Journal* Oct. 6, 1999: A7.

Harvey, Janice (2001) "DFO Meting Out Vigilante Justice in Burnt Church" *New Brunswick Telegraph Journal* (draft copy in author's possession).

Hebert, Chantal (1999) "Trudeau started this lobster war" *New Brunswick Telegraph Journal* Oct. 7, 1999: A7.

Hornborg, A. (1998) "Mi'kmaq Environmentalism: Local Incentives and Global Projections." A. Sandberg & S. Sörlin, eds., *Sustainability - The Challenge: People, Power and the Environment*, pp.202-211. Montreal: Black Rose Books.

Ingold, Tim (2000) *The Perception of the Environment: Essays in livelihood, dwelling and skill* New York: Routledge.

Isaac, Thomas (2001) *Aboriginal and Treaty Rights in the Maritimes: The Marshall Decision and Beyond*. Saskatoon: Purich Publishing Limited.

Kindy, Cliff (2000) "Esgenoopetitj (Burnt Church), New Brunswick: Reflections on Raid by the Department of Fisheries and Oceans (DFO)" *Christian Peacemaker Teams (CPT) Archives*. Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/perspectives/bc\\_cpt\\_20000711.htm](http://www.rism.org/isg/dlp/bc/perspectives/bc_cpt_20000711.htm), June 21 2007

King, Roger J.H. (1999) "Narrative, Imagination and the Search for Intelligibility in Environmental Ethics" *Ethics and the Environment* 4(1): 23-38.

King, Sarah (2002) "Torture and the Martyrdom of Isaac Jogues" *unpublished paper*. Submitted in HIS1102 *Spiritual Invasion in the Americas* Prof. Allan Greer, winter 2002, University of Toronto.

King, Sarah (2004) "A Mournful Sound of Acquiescence...: Duncan Campbell Scott and the Religious Foundations of the Canadian Idea of Wilderness." *Centre for the Study of Religion Symposium Papers vol. 4*. University of Toronto.

King, Thomas (2003) *The Truth About Stories: a Native Narrative*. Toronto: House of Anansi Press.

Klager, Bob (2002) "A Nation Divided: Despite outward signs of peace, Burnt Church still facing internal turmoil" *The Saint John Telegraph Journal*, August 24, 2002. Available at [http://www.jasenbenwah.ca/burnt\\_church.htm](http://www.jasenbenwah.ca/burnt_church.htm), June 21, 2007.

Kunstler, James Howard (1993) *The Geography of Nowhere: the rise and decline of America's man-made landscape* New York: Simon & Schuster.

Linden, Sidney B. (2007) *The Report of the Ipperwash Inquiry* Ministry of the Attorney General, Government of Ontario. <http://www.ipperwashington.ca/report/index.html>, July 24, 2007.

Locke, John (1967) *Locke's Two Treatises of Civil Government 2<sup>nd</sup> Edition* ed. Peter Laslett Cambridge: Cambridge University Press.

Low, Setha M. & Denise Lawrence-Zuniga (2003) *The Anthropology of Space and Place: locating culture* Malden: Blackwell.

MacIntyre, Alisdair (2007) "The Virtues, the Unity of a Human Life, and the Concept of a Tradition." *Memory, Identity, Community: the Idea of Narrative in the Human Sciences* Lewis P. & Sandra K. Hinchman

Macy, Joanna (1995) "The Ecological Self: Postmodern Ground for Right Action" in Mary Heather MacKinnon & Moni MacIntyre, ed. *Readings in Ecology and Feminist Theology* Franklin WI: Sheed and Ward.

Malpas, J.E. (1999) *Place and Experience: A Philosophical Topography*. New York: Cambridge University Press.

Marietta, Don (2003) "Back to Earth with Reflection and Ecology" *Eco-Phenomenology: back to the earth itself* ed. Charles Brown & Ted Toadvine Albany: State University of New York Press.

Martin, Barb (unpublished paper) "History of the Mi'kmaq and the Burnt Church First Nation."

McMullan, John L. & David C. Perrier (1997) "Poaching vs. the Law: the social organization of illegal fishing" *Crimes, Laws and Communities*. John L. McMullan, David C. Perrier, Stephen Smith & Peter D. Swan eds. Halifax: Fernwood Publishing.

- Menzies, Charles (1994) "stories from home: first nations, land claims, and Euro-Canadians." *American Ethnologist* 21(4): 776-791.
- Mitchell, Timothy (1991) *Colonising Egypt*. Berkeley: University of California Press.
- Mofina, Rick (2001) "Burnt Church band loses control over its finances – Not payback for fight over lobster: Ottawa" *National Post*, March 13, 2001. Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/news/bc\\_np\\_20010313.htm](http://www.rism.org/isg/dlp/bc/news/bc_np_20010313.htm), August 10, 2006
- Mofina, Rick (1999) "Aboriginal fishermen reject chiefs' plea: The call for a self-imposed moratorium on fishing has been rejected because "to do anything else would be criminal," Burnt Church First Nation controller says." *The Montreal Gazette*, October 8, 1999. Accessed through Research Institute for the Study of Man, [http://www.rism.org/isg/dlp/bc/news/bc\\_gz\\_19991008.htm](http://www.rism.org/isg/dlp/bc/news/bc_gz_19991008.htm), April 22, 2006.
- Morris, Chris (1999) "Chiefs tell natives to keep on fishing." *Moncton Times & Transcript*, Sept 30, 1999: A4.
- Mugerauer, Robert (1994) *Interpretations on Behalf of Place: Environmental Displacements and Alternative Responses*. Albany: State University of New York Press.
- Naess, Arne (2005) *The Selected Works of Arne Naess* New York: Springer.
- Pardy, Marion (2000) "Letter sent by Moderator of The United Church of Canada, in response to recent events in Burnt Church N.B." United Church of Canada, accessed through the New Brunswick Environmental Network, [http://www.nben.ca/aboutus/caucus/archived\\_caucuses/ffa\\_archive/fishery/letter12.htm](http://www.nben.ca/aboutus/caucus/archived_caucuses/ffa_archive/fishery/letter12.htm), March 07, 2007.
- Patrick, Donna & Peter Armitage (2001) "Media Contestation of the James Bay and Northern Quebec Agreement: The Social Construction of the "Cree Problem" *Aboriginal Autonomy and Development in Northern Quebec and Labrador* ed. Colin H. Scott. Vancouver: University of British Columbia Press.
- Paul, Daniel N. (2000) *We Were Not The Savages: A Mi'kmaq Perspective on the Collision between European and Native American Civilizations*. Halifax: Fernwood.
- Peña, Devan C. (2002) "Endangered Landscapes and Disappearing Peoples: Identity, Place and Community in Ecological Politics" *The Environmental Justice Reader: politics, poetics and pedagogy*. Joni Adamson, MeiMei Evans & Rachel Stein, eds. Tucson: University of Arizona Press.
- Poitras, Jacques (1999) "Natives won't turn the other cheek: Mi'kmaq fishermen say they can't wait until spring when non-natives go lobster fishing" *New Brunswick Telegraph Journal* Oct. 5, 1999: A3.

Poitras, Jacques (1999b) "Dhaliwal hints he may impose rules: Fisheries Minister promises 'final decisions' within days" *New Brunswick Telegraph Journal* Oct. 6, 1999: A1-2.

Porteous, J. Douglas & Sandra E. Smith (2001) *Domicide: the global destruction of home* Montreal: McGill-Queens University Press.

Porter, Tim (1999) "Minister allows native fishery" *Moncton Times & Transcript* Oct. 2, 1999: C1-2.

R. v. Marshall (Sept. 17, 1999) Supreme Court of Canada (File 26014) [http://www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol3/html/1999scr3\\_0456.html](http://www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol3/html/1999scr3_0456.html), April 21, 2006.

R. v. Marshall (Nov. 17, 1999) Supreme Court of Canada (File 26014) [http://www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol3/html/1999scr3\\_0533.html](http://www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol3/html/1999scr3_0533.html), April 21, 2006.

Robbins, Joel (2004a) *Becoming Sinners: Christianity and Moral Torment in Papua New Guinea Society*. Berkeley: University of California Press

Robbins, Joel (2004b) "The Globalization of Pentecostal and Charismatic Christianity" *Annual Review of Anthropology* 2004(33): 117-143.

Royal Commission on Aboriginal Peoples (1996) *Royal Commission Report on Aboriginal Peoples* Indian and Northern Affairs Canada, [http://www.ainc-inac.gc.ca/ch/rcap/index\\_e.html](http://www.ainc-inac.gc.ca/ch/rcap/index_e.html), June 22, 2007.

Richer, Stephen. (1988) "Fieldwork and the commodification of culture: why the natives are restless." *Canadian Review of Sociology and Anthropology* 25(3): 406-420.  
Roepstorff, Andreas, Nils Bubandt & Kalevi Kull (2003) *Imagining Nature: Practices of Cosmology and Identity* Denmark: Aarhus University Press.

Roepstorff, Andreas & Nils Bubandt (2003) "General Introduction: the critique of culture and the plurality of nature" *Imagining Nature: Practices of Cosmology and Identity* ed. Andreas Roepstorff, Nils Bubandt & Kalevi Kull. Denmark: Aarhus University Press

Scharper, Stephen Bede (1998) *Redeeming the Time: a Political Theology of the Environment* New York: Continuum.

Scott, Colin H. (2001) *Aboriginal Autonomy and Development in Northern Quebec and Labrador* Vancouver: University of British Columbia Press

Seven Thunders Ministry (2007) "About Us" *Seven Thunders Ministry* <http://www.seventhundersministry.com/about.html>, June 21, 2007.

Smith, David M. (2000) *Moral Geographies: Ethics in a World of Difference* Edinburgh”  
Edinburgh University Press.

Smith, Mick. (2001) *An Ethics of Place: radical ecology, postmodernity and social theory*. Albany: State University of New York Press.

Somerville, Fenton (2000) “Burnt Church Diaries” *CBC News Indepth: Fishing Fury*  
<http://www.cbc.ca>, Sept. 14 2000. Accessed through Research Institute for the Study of  
Man, <http://www.rism.org/isg/dlp/bc/perspectives/diaries.htm>, August 16, 2006.

Srivastava, Sarita (2005) ““You’re calling me a racist?” The Moral and Emotional  
Regulation of Antiracism and Feminism” *Signs: Journal of Women in Culture and  
Society* 31, no.1: 29-62.

Stefanovic, Ingrid Leman (1994) “What is Phenomenology?” *Brock Review* 3, 1: 58-77

Stefanovic, Ingrid Leman (2000) *Safeguarding Our Common Future: Rethinking  
Sustainable Development*. Albany: State University of New York Press.

Taylor, Bron (1995) *Ecological resistance movements : the global emergence of radical  
and popular environmentalism* New York: State University of New York Press.

Taylor, Bron (1996) “Earth First!: From Primal Spirituality to Ecological Resistance” in  
Roger S. Gottlieb ed. *This Sacred Earth* New York: Routledge.

Tenszen, Mike & Alison Auld (1999) “Lobster pot boils over: Non-Indians pull  
unlicensed traps from N.B. waters” *The Montreal Gazette* October 4, 1999. Accessed  
through Research Institute for the Study of Man,  
[http://www.rism.org/isg/dlp/bc/news/bc\\_gz\\_19991004.htm](http://www.rism.org/isg/dlp/bc/news/bc_gz_19991004.htm), April 21, 2006.

Titley, E. Brian (1986) *A Narrow Vision: Duncan Campbell Scott and the administration  
of Indian Affairs in Canada* Vancouver: University of British Columbia Press.

Trigger, Bruce (1985) *Natives and Newcomers: Canada's "Heroic Age" Revisited*  
Montreal, McGill-Queen's University Press.

Trigger, Bruce (1996) *The Cambridge History of the Native Peoples of the Americas [vol.  
I], North America* New York, Cambridge University Press.

Trouillot, Michel-Rolph (1995) *Silencing the Past: Power and the Production of History*.  
Boston: Beacon Press.

Tuan, Yi-Fu (1974) *Topophilia: a study of environmental perceptions, attitudes and  
values* Englewood Cliffs: Prentice-Hall.

Tusz-King, Margaret (2001) "Witnesses for Peace: Observers at Burnt Church. New Brunswick" *Exchange Magazine* Fall 2001, United Church of Canada. [www.united-church.ca/exchange/2001/fall/3941.shtm](http://www.united-church.ca/exchange/2001/fall/3941.shtm), Nov. 15, 2004.

United Church of Canada (2000) Resolution of the 37<sup>th</sup> General Council, Aug.17, 2000. Accessed through New Brunswick Environmental Network, [http://www.nben.ca/aboutus/caucus/archived\\_caucuses/ffa\\_archive/00/resol2.htm](http://www.nben.ca/aboutus/caucus/archived_caucuses/ffa_archive/00/resol2.htm), June 21, 2006.

United Nations (1948) *Universal Declaration of Human Rights* General Assembly resolution 217 A (III) of 10 December 1948, <http://www.un.org/Overview/rights.html>, June 29, 2007.

Vandergeest, Peter & E. Melanie DuPuis (1996) "Introduction" *Creating the Countryside: the politics of rural and environmental discourse*. DuPuis, E. Melanie & Peter Vandergeest eds. Philadelphia: Temple University Press.

Vickers, Kevin (2004) "The RCMP and the Canadian Way" *Gazette* 66 no. 3. [http://www.gazette.rcmp.gc.ca/article-en.html?&article\\_id=37](http://www.gazette.rcmp.gc.ca/article-en.html?&article_id=37), June 21, 2006.

Ward, James & Lloyd Augustine (2000) *Draft for EFN [Esgenoôpetitj First Nation] Fishery Act* Accessed through New Brunswick Environmental Network, [http://www.nben.ca/aboutus/caucus/archived\\_caucuses/ffa\\_archive/00/actf.htm](http://www.nben.ca/aboutus/caucus/archived_caucuses/ffa_archive/00/actf.htm), June 1, 2007.

Ward, James & Lloyd Augustine (2000b) *Draft for EFN Management Plan* Accessed through New Brunswick Environmental Network, [http://www.nben.ca/aboutus/caucus/archived\\_caucuses/ffa\\_archive/00/mplan.htm](http://www.nben.ca/aboutus/caucus/archived_caucuses/ffa_archive/00/mplan.htm), June 1, 2007.

Warren, Kay. (1998) *Indigenous Movements and their Critics: Pan-Maya Activism in Guatemala*. Princeton: Princeton University Press.

Wasson, Manford & Lottie Wasson Murdoch. (1999) *Church History, The Last 100 Years 1899-1999. 100<sup>th</sup> Anniversary, St. David's United Church, Burnt Church N.B.* St. David's United Church.

Williams, Daniel R & Susan I. Stewart (1998) "Sense of Place: An Elusive Concept That Is Finding a Home in Ecosystem Management" *Journal of Forestry* 96(5), pp.18-23.

## **Introduction to Appendices 1 and 2 (Interview Excerpts)**

Appendices 1&2 contain excerpts from interviews I carried out with people in each Burnt Church, sets of stories that I was told, taken from their conversational context and set together in order to form two alternative histories of the dispute, one Mi'kmaq, one English. As a part of my research and writing process, I went through all of the transcribed interviews in detail, pulling out the common stories and themes that arose in both communities. I put these “common” stories together into two documents, a sort of history of the dispute from the perspective of each community. These “histories” of the dispute reflect those things that came up more than once in my interviews with people in each community, and/or were identified in unrecorded conversations that were noted in my research journals throughout the year.

The choice to share some of the stories of the dispute in the words of the people I spoke with is an explicit and methodological one. In the context of the Burnt Church dispute, almost all of the players felt that their words and perspectives were misrepresented by those who reported on them. These appendices represents one strategy in my attempt to share those voices as they are, as a part of this dissertation. The specific rhythms and words of the people I met convey much more than my academic prose might ever hope to, though it can sometimes be challenging to translate the rhythms of speech to the page. These sets of excerpts, or “histories”, form the basis of my own understanding of the dispute, as elaborated in the main chapters of this dissertation. I drew on the histories set out in these appendices as key sources in my analysis of the dispute. They represent the common themes that arose in my research in each community, largely in people’s own words. They are made available here so that the

larger stories of the dispute, in people's own words, are not lost in the academic process of theorizing about the dispute, and so that the origins of my own thinking about the dispute are available to the reader.

There is much that has been left out. The stories here reflect the most common events, concerns and perspectives that arose during the interviews I conducted. These key events and ideas were also reflected during my participant observation; they are even more interesting because they are not at all reflected in the public story of the dispute told in the Chapter 1. The stories themselves have been excerpted selectively and in thematic rather than personal order, so they certainly reflect my analysis as a researcher as well as the intent of the tellers; that said, I have tried as much as possible to prioritize people's self-understanding in this history, rather than my own analysis, which I present in the main chapters of the dissertation.

Almost all of my interviews with people about the dispute began with the question "How did the dispute start?" Though my methodology was similar in both communities, the stories I heard in answer to this question were often radically different. A myriad of stories took shape in answer to my questions, stories I have attempted to integrate here into two histories (English/Mi'kmaq) with many tellers. Each history can be read as a continuous one, told by different voices who are sometimes in agreement and sometimes in tension. For this reason, sometimes the stories of events are repeated by different speakers, to reflect different perspectives on the same issue or event. (Very occasionally my voice will appear, as the interviewer, clarifying or questioning.) Understanding the experiences of people in Burnt Church/Esgenoôpetitj is key to understanding what was at

stake in the dispute, and why everything played out as it did. There are many more stories than these – but perhaps this will be a useful beginning.

In all cases, I invited those with whom I spoke to respond to what I wrote about their interviews before the submission of this dissertation. I returned to the community in June 2007 for this purpose. Those who were interested read the excerpts from this appendix that were transcribed from their stories, and their responses were incorporated into this version of the history. Where requested, names have been changed to protect the identities of those involved. Finally, some of the habits of the spoken word do not transfer easily to paper, so I have edited out some (but not all) repeats, pauses and habitual phrases (e.g. ‘sort of’, ‘like’, ‘um’, ‘er’, ‘ah’, ‘type of thing’). The stories as they stand have been transcribed directly from recorded conversations; “...” represents sentences or phrases that were cut from the final history; “..” indicates pauses or hesitations in conversation. The individual excerpts from the larger conversations have been set in text boxes, as a way to distinguish the speakers from one another, and from my brief explanations. Using the text boxes also allows me to set some stories beside one another, when they touch on similar concerns, or contrasting interpretations of events.

## **Appendix 1**

### **Interview Excerpts: stories of the dispute from the Burnt Church First Nation/Esgenoôpetitj.**

#### **I. Introduction**

This appendix contains some of the stories that I heard from people in Esgenoôpetitj, or the Burnt Church First Nation, about the dispute. After living in Burnt Church for six months, getting to know people and the community, I began to record conversations with people in both communities about their experiences of the dispute. In Esgenoôpetitj, I carried out in-depth recorded interviews of 2-4 hours with eight people, and also gained understanding of the experiences of the community through informal conversations with many more during the time I spent with community groups and at community events. The stories that people told of the dispute were much more complex and nuanced than anything that was captured in the public story. Almost three years after the signing of the agreement, when my formal conversations began with people, the dispute remained fresh in their minds – vivid as a time of community strength and assertiveness, of risk and threat, of hope and loss. From these conversations, an alternative history of the dispute begins to take shape. This appendix attempts to capture some of the themes and stories in that history and knit them together into a fresh picture of the dispute, largely in the words of the people themselves.

While some in Esgenoôpetitj were very interested or at least willing to talk with me, others were not at all interested in bringing up this history. Some were still traumatized by their experiences; some did not want to bring up a part of their community's life

which they did not feel supportive of; some were not willing to talk with an outsider whom they did not know, given their past experiences. In my conversation with Miigam'agan we talked about these difficulties. "*One day,*" she said, "*I hope there will be a time when someone from within the community can gather these stories and write about our experiences.*" For now, the stories shared by the eight I interviewed begin to open up some of the experiences and perspectives from within the community, and begin to create a new history of the dispute.

## II. The “Beginning” of the Dispute

All of the conversations I had with people began with the question, “How did the dispute start?” People’s responses varied, but all of them agreed that the origins of the dispute in Burnt Church lay not only in the Marshall decision, but in the history of the community’s access to resources, band council and Indian Act politics, and in the colonial history of Canada.

The dispute began in 1725 with the signing of the first treaty. It began with those treaties, and it goes right on down to today. It didn’t begin with Marshall, no matter what some people will tell you. It’s been generations of this kind of thing for our people, the Canadian government takin’ away our lands, not respectin’ our sovereignty over our own territory, tellin’ Canadians that the land is theirs to do with as they please. They don’t recognize that the treaties they signed were treaties between nations. These are all Mi’kmaq lands. We’ve been put on this reserve by a government that is just trying to get rid of us, to wear us down or to kill us off, hopin’ we’ll keep quiet. These are our waters, not Canadian waters. (Lloyd)

Well, what happened [way before Marshall] was the forestry thing... the band council started making deals with the government right away, and everybody got to be going to the woods, and to make a living out of it. ...

*And then everybody went to the woods – not everybody, but most of the men that weren’t working, because we have a high unemployment. ... And then all of a sudden the chief and council turned around and signed an agreement – that limited forestry very much. Practically down to nothing. They were taking contracts and suddenly the council were the bosses, type of thing. Taking their lots and all that. And a lot of the guys were really pissed off about that. And there was nothing that we could do about it...*

And then when Donald Marshall showed up, Marshall decision came down, everybody just said, “All right! We have fishery rights now!” And they didn’t even consult with council or anything, they just started putting their traps in... – bang bang bang. Before the whole fishery thing started, people went to the council and tell ‘em, “Don’t you mess around with this, we’re going out there; we’re going to fish. You’re not going to do the same thing you did with Forestry.”

And they just went out and started setting traps and everything. ...It was pretty exciting, really. People were, they were happy... – and the council couldn’t do anything, type of thing. (Dalton & Cindy)

I really believe this has been a long time coming, the Canadian citizens have long held a fear of losing what they have acquired on Indian Lands. And now they felt betrayed by their government and their law "canadian supreme court" who finally acknowledged the treaties with Mi'kmaq.

Our community has always been aware of *tan wen nenan ag tan teliagu'p*, our inherent right and the history of our people, and the negative impact since arrival of the europeans. From this experience there is a common fear among our people that if we, as native people, exercised our inherent rights we would be attacked by the canadian governments and its people. This is a common knowledge as continually proven in history. Today, in the community, our survival means in order to maintain peace our culture and truth of our history was rarely or never spoken aloud within our homes or outside the reserve to avoid conflict and assaults by our own members or by the white societies.

In the past 10 years, because of this reality in our community, a core group of dedicated community members mobilized at the grass-root level, a movement to improve life on the reserve. As a result of this work, the community elected a new band council in 1999 who also held the same vision of a healthy native community. We didn't realize that the community movement towards a cultural, spiritual and economic wellness would create such a violent response from the english and french neighboring fishing communities which was the result of the fishing dispute.

In 1999 when Donald Marshall's case won at the Supreme Court, our community was also in transition from old regime to a newly elected council. There a strong sense of hope in the community who was also at the time still recovering from the aftermath of a band election and from the wrath of the old council.

At the same time there were also emergency regional meetings happening at the APC [atlantic policy and congress] the Atlantic chiefs' regional organization. The chiefs and the APC lawyers drafted an agreement that would protect our inherent rights recognized in the peace and friendship treaties with canada. The APC chiefs presented the draft document only to be rejected by the feds who would not even accept nor look at it. The federal representatives enforced an agreement onto the chiefs. In witnessing this development between the native leaders and canada, the people in Esgenoôpetitj advised the newly elected council to leave the APC meeting and to come and join the community's protest and exercise our right to fish. Although the majority of the chiefs [APC] were persuaded by Canada's/ DFO promises, the people in Esgenoôpetitj boycotted these talks. We knew that most of these chiefs were not consulting with their communities nor they have any voice with the Feds. Today it was confirmed after hearing many Mi'kmaq and Maliseet in their disapproval of the DFO federal fishing agreements, canada has enforced the agreement onto the chiefs that would not protect our rights nor benefit our people. (Miigam'agan)

In 1999, with that announcement, people in our community celebrated! It was like time slowed down. That's how intense and wonderful it was. ... And you could still see, down the far flung of our community, all the way down and across the river, our people were so excited about the possibility of permanent employment. ... I think it was within two weeks, we can see, the drinking just went right down. On Saturday night, [usually] you can hear the music blasting all night ... and that stopped. You would get up early in the morning, at five, six o'clock, the community was awake too. And everybody was moving, ... you could hear all the cars and movement in your community, and then you go and drive around, on reserve, and everybody's moving too, like, "Time to get out there!" ...

I think of all that excitement, and celebrating - we celebrated the news for a long time. At that time, I didn't get involved myself. But my sister called... and she said that she wanted to go out and fish. She is a single mom, with two children, and she had not had employment in a long time in our community. And she went to the band office and pleaded ...if she could get her welfare cheque early, you know ... what she did with her welfare cheque is that she invested and got - I think she got 20, 25 traps, I can't remember. And she didn't have a boat, but she had made contact with another boat owner in the community and asked them to take them out for her. ... She got these old wooden traps, she got bait, all the things that they told her she would need. ... She was really excited when she made her first catch, and she was selling her catch, to buy bait so she can continue to fish. Now she had enough to buy the bait, and help out with the fuel for the boat. (Miigam'agan)

### **III. Sunday Protest: October 1999.**

After native fishers from Esgenoôpetitj entered the fishery, the concerns of fishers in the surrounding communities, their families, and the Maritime Fishermen's Union escalated. One Sunday in early October, the non-native fishers and their families organized a protest of boats from many fishing communities on Miramichi Bay, to coincide with a march by family members on the Burnt Church wharf at noon, after morning church services. While this protest was going on, people within the native community learned that their traps had been hauled up and cut, or destroyed, by some of the protesters on the water. People from the First Nation came to the wharf, concerned about their fishery, and were confronted with the placards and flags of the non-native protest.

By the end of the day, the RCMP had escorted the non-native protesters off of the wharf, and it was under native occupation. Native protesters prevented non-native protesters from landing their boats at the Burnt Church wharf (their home wharf), and they had to dock at the next community, Neguac, leaving two trucks on the occupied wharf. During the first night of the occupation these trucks were burnt. Native protesters went to the shed of one of the commercial fishermen and rammed it, trying to get inside to take traps to replace those they had lost. A violent altercation ensued, leaving men from both communities under arrest and injured.

The news of the white fishers destroying native fishing traps raised anger in Esgenoôpetitj. When we heard the news we went at the wharf and waited for our folks to come ashore and discovered that everyone's traps were destroyed. At the same time the families of the Burnt Church white fishermen came marching on the wharf to protest against the Indian fishing. They already knew... while the wives were coming to worship, the husbands had already gone out, 12 o'clock in the morning, and destroyed all our equipment.

The two communities met in confrontation. There was so much tension. I was glad to see the rcmp cars arrive but when the police came the white people who were name calling and making threats to us all of sudden became victims and exaggerated the need to be rescued from the Indians. The rcmps created a shield around the white protesters and led them off the wharf. I believe our people were the victims in this situation, because of the white fishermen attacked our community and our property. This is another evidence that the western system is design only to protect its citizens.

I know we are not canadian citizens but the crown has an obligation to uphold the law in the country it occupies, so the feds are obligated to protest us. We stayed back and decided to take over the wharf; because of what we just witness from the rcmp reaction and their comments against our people. We knew there was not going to be justice for us. We needed to respond to what happen to us, but how? We organized ourselves and had a community meeting at the wharf to plan what to do next. The people started to feel a little relief after talking about their experience and knowing we were going to stick together.

*It was a concrete action?(Sarah)*

The young people arrived at the wharf and they wanted to retaliate, to destroy the white people's traps. But we were able to hold them off from taking any action. Later that evening the tension grew and a couple young boys who had been drinking took it upon themselves and vandalized one of the white fishermen's property. Of course the two young boys were charged and one was injured but no one in the white community was charged for destroying all the property of the people in Esgenoôpetitj.

I think what happened next was minimal compared to what may have been done. The trucks were burned as a result of the violent acts against our community. This was not supported nor condoned by the people. (Miigam'agan)

*...See the threat was always there that if we did anything too drastic... the squad [riot squad?] would come in. ...*

*Ever seen the machine guns they use? ...they're little wee 9 mm machine guns... they had those on the boats too.*

*And on the wharf there was like women and children – not just men but men, women, children and those people were there, that squad, ... and the fishermen that just finished cutting our lines were taunting the people. ...*

*The big picture that really still burns in people's minds is that French guy with that black wig, doing the Indian dance on the boat and all that. And that was ... it was insulting. After they'd shown him cutting insides of the traps and all that, and it was 'You have to take this shit and there's nothing you can do about it. We'll even make fun of you.' ...*

*(Dalton & Cindy)*

*What got me mad most of all was that white fisher. He put the bats to two guys [who were ramming his shed to try and take his lobster traps.] ... One guy lost his hearing... he came out of the car, he got hit with a bat. ... That wasn't justice. I mean, I acknowledge that they had no right doing that, but that guy also did something wrong.*

*....*

*The community didn't approve of what those young boys did, but they don't approve of what happened to them afterwards. Almost beaten an inch of their lives type of thing. That was uncalled for.*

*...after that, him and his family, and a few other people from that one section of the [white] community getting police protection! And yet they turn around on a daily basis, ...and threaten [our] community! And yet they're getting police protection. Whereas ... we should have been the ones that are getting police protection. ...The community was always in a constant threat.(Dalton & Cindy)*

In most of these stories, while the actions of the neighbours were threatening and troubling to native activists and community members, it was the subsequent response of the police which entrenched their position. People within Esgenoôpetitj saw the police responding to them as the threat, and moving to protect their Canadian neighbours, rather than trying to protect native fishers and their property from the actions of the protesters. This theme was echoed throughout the interviews, and comes up again in later sections of this chapter.

#### IV. Community Fishery Management Plan

As the situation changed on the waters, the people of the Burnt Church First Nation undertook a community consultation process for the fishery. This process brought to light the need for a community management plan for the fishery, and so the authors of the community consultation report also undertook to research and write a community-based management plan for the Burnt Church Fishery.<sup>1</sup> One of these men was Kwegsi (Keptin, Mi'kmaq Grand Council), the hereditary chief for the region. Kwegsi described the process of developing the management plan with his co-author, James Ward:

We were asked to see what we could provide for the organization of what were the thoughts of the people of the community; and how we would be able to orchestrate the community; and how we would be able to orchestrate the commonality of bringing what people wanted to the chief and council.

.... We are surrounded by resources. In a sense, well, we have the salmon, we have the mackerel, we have the lobsters, we have the crab, I mean we've got everything. ...The consensus has to be that what is created here will be able to help the other communities to better formulate what they need to be done.

...As soon as they – and they only seen the draft of it – and they turned around and they basically told me, “We want you to write a management plan.” But James [Ward], with the consultation report, he said, “You know what it needs?” So we worked together. James did the brunt of the work basically.... We had meetings on Tuesday evenings – we had to be careful that we did not interfere with the Bingo....

We'd gather the elders and the youth. The youth were the most aggressive of all the groups, ... my goodness, I mean their first concern was nothing like what the others said. “What is our involvement in this?”

“...What role do we have?”

“Where do we sit?...”

I mean I was expecting that from the women or from the elders, but not the youth. I figured the youth – woosh! – over their heads. And they came and.. I mean they had so much pride and so much power about them. It was amazing. They just started talking. The women and the others basically told me that “You should go house to house, 'cause everyone is not going to come to this meeting.”

The thing what they didn't understand was that a lot of the time a representative came from each family that would share with others... We went door to door [too]...

...The biggest thing that came out of everyone was conservation. Our right basically is not to go and overfish, to take out everything that was there. Our right is to preserve what is there so that it can be there for our children. ...The more I went, the more I felt it: these people are conservation minded. Their priorities are. So writing the management plan was easy....

*(continues)*

<sup>1</sup> Both of these documents are publicly available at:

... We had to do it real fast. The thing is we were not going to go to the government without nothing in hand, and that's one of the first things the chief told us. He said, "When I go, I'm not going to go empty handed. I want to make a point that this is what I've got and I am going to move on it..."

When we did it we – in two weeks we were done, but we only had a draft. Ha! ...

They were proud of the report. But it was so general, like everybody's thinking the same thing, when you wrote it down, I mean [they say], "I'm the one that told him that." It makes them feel good. And that was the idea of writing the report – for people to be able to read it and realize that what they said was heard.

... Our feeling was that [the Canadian government] never read it, never read it, never read it, and we told them, "We sent it to you."

And they checked and said "Well we never received it."

...I think we faxed it directly to Dhaliwal...

One of the funny things is that Dhaliwal said, "I'm never going to sit down with the authors of the management plan." And when we sat down, he was sitting right across from us. We were more than glad to introduce ourselves. He said, "No way would I sit across from them," and there we were. That was joy right there, make him eat his words. (Lloyd)

The management plan was important to many of those I spoke with, as both a symbol of, and the practical means for, self-government and self-regulation (for some), and as the symbol and practice of conservation-oriented fishing (for all). In people's stories of the dispute, concerns for conservation and for self-government arise often; for many people in the community these were the primary concerns that motivated their ongoing resistance.

## **V. Violence & the Police**

As the dispute continued, the threat perceived from white neighbours began to be overshadowed by the threat that the Department of Fisheries and Oceans (DFO) and the RCMP posed for the community. The policing actions of the Canadian government were felt within the community as deep violence, and provoked fear, anger and many altercations particularly on the waters. In the years immediately following the dispute, it is these stories of the conflict which are the most often shared with outsiders, the most potent expressions of the experience of the community.

Any way, when that started happenin', the Department of Fisheries started coming around [taking our traps], and it started happenin' every day. They keep taking and we keep putting, taking and putting. It got to a point where now we're not only intercepting them, but we're trying to make it difficult for them to be taking our traps.

So we used different tactics like putting little letters in the traps, little toys for the kids stuff like that, Ziploc bags, whatever, just try to let them know they are taking food away from our tables and a livelihood away from our children. But it got to a point where they got more and more intense.

And then ...the women stopped going in the waters because now it was getting more dangerous because they were coming with a different kind of aggression, and more, it intensified every time they come. So now it was between me and the guys, a few boys came with us, and it got to a point that more started coming, more started coming.... We have dories, that's all we got. But my dory I have an aluminum boat – 16 foot and has 25 HP, that's all we used, to intercept them from taking our traps. (Leo)

... After they cut the traps and everything there was some boats going out there at night, ... to confront ... the DFO. We were down on shore there, we were just being nosey, type of thing. We went down there, and one of our men,... he swam towards shore after being dumped [out of his dory by a DFO boat]. He was saying how they pointed a gun at him....

So ... they're all going to the highway to protest. They set up a roadblock, and geez, most of the reserve was up there that night. ...They had drumming and all that, and the excitement in the air, was just, oh you could cut it, it was so exciting. And ... off in the distance you could see the RCMP lights....

*And we were in the back.*

Yeah, we were just nosey, type of thing. *Laughs* But here we are at the back. And then there was this rumour, went right through the crowd... they said ...DFO and all them were going to attack and smash the boats [down at the shore]. So everybody took off – bang! Over a hundred people, something like that. And there's four of us left... all standing there with this big bonfire, just us – at the barricade. And here we are, and we're wondering, "Oh they're going to come in, take over *laughs* they're going to attack us, dismantle the barricade...."

...It was a pretty scary night, for me anyway....Cause the rumours that are flying around, they seem so real. ..The dangers and all that?

Not only from communities around here, but from the police – actually, the biggest fear was from the police. Like I mean, we had helicopters [watching us], we had a plane flying around at night with no lights on, you just could hear it droning at night, drrr, flying around. ...They were doing surveillance. There was a power outage. Computers wouldn't work for a while. Telephone outage. ... (Dalton & Cindy)

The stories of the violence of the dispute are legion, and most of them are personal, reflecting the cost and the challenge of the dispute for every individual member of the First Nation. Generally, the stories reflect encounters on the waters and at the barricades with government agents or white protesters. For those who shared them, they are not only talismans of resistance; they are illustrations of the strength, wisdom, and experience of their community, and the fundamental importance of family members to one another throughout these years.

When my sisters husband was taken by the DFO, they maced him. And they couldn't knock him down, they were trying to knock him down so they could get him on the boat. ...James Ward was the number one enemy. They were saying over the radio "We caught James Ward! We caught James Ward!" and my sister's husband could hear them. It was him that they were battling with [not James Ward].

...They were hitting him with billy clubs and whatever they had, and he said, "I just reached back, the first thing I could grab was a 2x4"... and he just started swinging away at them. And he got a couple of them real good I guess. But anyway, when they took him to court, they charged him for assaulting 9 officers. They were the ones that were beating him up! And they charged him with assault!

We went down to the court with him, and the judge said, "You mean to tell me this one man beat up 9 officers?"

The nine officers stand up - they're all big guys eh?

"This one man beat all of you?"

And they said, "Yes."

He [the judge] said, "This is ridiculous!"  
(Barb)

My brother got beat up on the waters, that was another thing I had to deal with, and it became personal. He's been hurt, and somebody whispers in your ear he's in the hospital ... And you know they're still in the water, the very same people that just put a beating on him.

So you look at this group of boys that's looking at you and you say, "All right, let's go finish it."

And when I said "Let's go finish it," that didn't mean let's go throw rocks over there. It meant let's go finish it. And so they were all jumping with joy, these boys that were ready to go. They were ready to roll... They wanted that word. So when we were going to the water, from the road to the water, they were there taking our traps, all we gotta do is just let 'em rip, just start spraying, shooting. That'll be it.

All the army would have come in, and everything. That didn't dawn on me because my anger was taking over. But I remember that one word my sister told me was "What kind of a leader will be to our people when they were dead, or they are in jail? What can you do for them then?" So... those are the things that I had in my mind. When we were going down I changed my mind. I changed my mind and they were confused, boys, like they were angry. "Come on! What's going on here!?" (Leo)

And when they came with their boats in the waters, I stood there with my sister and see them going after each other. Our little dories doing what they need to do to protect what was ours out there, and those big boats tried to ram our little guys, in their little boats. My sister was right there, she looked at me, she reached her hand out, and she said, "Don't allow anyone to get hurt."

She was praying... as soon as I seen that, I followed suit. I lifted my hand and put it toward the shore – towards the waters for nobody to get hurt, on either side... Or somebody's gonna die, for what's going on out there. But we're not going to let that happen, we're not going to allow anyone to die. We started praying against that, and I started hanging out with the Christian Peacemakers cause they prayed every morning. (Lloyd)

My mother-in-law, that was hard for her, to see all her boys out there. ...I remember my husband went into a battle, and when it was finally settled down, his mom walk up there. It was right in front of her house, you ... can see everything right in front of there. And she was hold onto his hand ... and then she started crying, "I thought you were going to get killed out there."

He said, "I'm all right Mom, I'm okay."

And then I could see him crying too, because he feels the pain for his mom, eh? So then his mom finally kind of turned around and gave a big look and say "I know what you have to do, son. I believe in what you are doing, don't stop." (Audrey)

...I remember trying to sleep during the times that we were fighting. We would get calls during the night, didn't matter what time it was, my husband sometimes wouldn't even take his clothes off, he would be just sleeping, because he never knew what time it was that they would call. Could be middle of the night... they like to travel at night, so they think that we won't see them. So that's what they do, they won't bother us too much during the day, but they would bother us at night.

During the day I would stay home and make sure the kids were safe – I wouldn't even let them go out in the yard anymore. ...we were just so scared. ... I just mostly stayed home and took care of the kids. And support my husband, because there was a lot of times he was discouraged, and didn't know what to do, and said "I don't want to go out there anymore..."

But then we look around, and I told him that "I believe what you're doing is right. And they need you..." (Audrey)

While these stories reflect the sense of power and strength that people felt as they were standing up for themselves, they also evoke the strength of that which is being stood up against. In many there is a whisper of David and Goliath, the vulnerable unarmed Native activist standing up for their community against the overwhelming (armed) power of the Canadian government. And very rarely, the RCMP's presence is seen as a mixed blessing.

... I was going to work [at the band office] every day. But I never knew one day to the next if I was going to hear about one of our members being killed, while they're fishing. And to me it was, "Why would people point guns at someone just for fishing?"

You know, it just didn't seem real, we've been fishing all our lives, and all of a sudden we're being told that we can't fish... or only fish a certain way, or a certain time... Just let us have our fish!

...Even though you're working, any time you hear something happened on the water, the whole band office would just empty right out. And we'd be out there on the cliffs, watching, and you wouldn't know what to do – are you watching because you're going to be a witness in a courtroom sometime? Or are you here because you want to do something – and what's there to do? They were fighting with our men in their dories.

So sometimes we would be out there, and there would be a conflict taking place – some of the people brought buckets – you know those plastic buckets? And they would fill them up with rocks. They'd tell the young men, "Don't engage in anything with them, just go out there and fish."

But when they started ramming the boats, they said "That's it!" And they started collecting all these rocks – "Come back! Come get your rocks!"

And the people like, there were grandmothers and grandfathers and little children, they were filling up buckets with rocks... because nobody had any guns, and they had the guns. Not the Warriors or the fishermen, we didn't have any guns, but the DFO did.

I don't know what it feels like to have somebody point a gun at you, but it must be really scary, debilitating, like you know that this person is looking at you and you know that they have the authority to point a gun at you and possibly shoot you and say that you had done something to deserve it. What kind of a world are we living in? It just wasn't right. (Barb)

I remember one night they let a truck through over the one side [of the barricade], it came to ours, and we let them through. And the RCMP just – whoosh – showed up, and they literally took the transport apart, searching it. They were in it like ants. Arms. That was the big question... That was their big reason why they had that show of force. We never – we got rocks! A few things, firebombs – but it was no real big threat. We couldn't fight submachine guns, teargas and things like that, yeah. (Dalton)

At one point there was only two boats in front of 40 boats, my boat and another guy that was there. I thought that was pretty courageous of him, and he thought the same thing about me. Even this lady that was recording the whole event, you know, she looked at me and there was gunfire everywhere, and she was recording me, and she said that "You're crazy".

And I looked at her, I said, "It's not that I'm crazy, it's that there's no sense hiding."

Hiding in an aluminum boat with a camera looking at me. Why go into a panic? The bullets are just gonna go through the aluminum, doesn't matter, so I wasn't about to go through crazy face there.

(Leo)

The thing is, I feel a lot of them [RCMP, DFO...] that volunteered to come down here were racists. ... And they're pro-Canadian. Anybody that does not subject themselves to this deserves a beating.

The thing is that some of them that were out there that basically had heart. They would not tolerate anyone Indian or otherwise, getting beaten up. And they would step in. We have videos of that where certain officers did that, and then there were those that patronized us, sorta like. and treated us like we were still children. Like the old war time, like in the old days during the cowboys and Indians kinda thing...

(Lloyd)

It was a constant attack on our dignity, that's what it was. I felt so helpless – and you couldn't do nothing! Ah! You'd see them all out there, and you'd know they were cutting. And even though I don't fish or anything like that, they weren't just doing it to individuals, they were doing it to the whole reserve, the whole people. And not for what we were doing, but for what we were, as natives. And that was, ah! It got to me. ...

*Each time they came close to a boat, they were taunting, and they were telling us, "We'll get you!" "Watch your back, we'll get you!"*

*And there was always these constant threats with the DFO, when they were nearby our boats. ...They turned around and they had most of the people's profiles. They knew each and every one of the people that went out and protected the traps, they knew their background. ...*

We had files with the Security Services. *So each person, they knew their background... and when they turned around and caught a guy who had served in the armed forces, they mocked him about his military background, and kicked him the way – you know, they attacked him, and told him, "Now, use your military background!" (Dalton & Cindy)*

...A lot of times it just ..*pause*.. the RCMP at times I was even kinda glad. Me, I was kinda glad they were this close to my yard cause I wasn't sure what the non-native was gonna do, so I was kinda glad. I mean I'd of never allowed them to do anything...I mean, I would have had a way to defend myself at that time. (Lloyd)

When we started, ah, - going against the government I guess, we were starting to be labeled as a lot of things. I was labeled as a criminal, as a renegade, a rebel, we were just, we were painted as people that are troublemakers....

We've never bowed down to them. I've never had a second thought that maybe I shouldn't do this.

There was this one point that I thought that maybe it was a little dangerous, because I was told that by the RCMP district commander, and by the phone calls I received [from him]. ...He asked me once, am I sure? "What you're doing, are you ready for this, are you gonna be responsible for other people's injuries, and about yourself?"

Meaning my life too [was threatened]. But I remind him every time that I'm not going out there to inflict any kind of violence on anybody, I'm going out there to fish. Which the court says I was allowed to do. And it's not because of what they're saying that we're allowed to do, it's because these are our inherent rights. (Leo)

## VI. Confronting the Canadian Government

For many people in the community of Esgenoôpetitj, the battle that they fought was with the Canadian government overall, not simply its agents or citizens. And this battle was not only one that involved police agencies and patrols, it was one in which the rhetoric of conservation was also a powerful weapon in the hands of the government.

So the government came in afterwards and they applied and they used propaganda, everything against us to rile up the communities around us. Inaccurate numbers were one of them, talking about other communities coming down and fishing and stuff like that, so all the numbers that they have was inaccurate and they put it out in the papers. 6000, 7000 traps, whatever, and that wasn't so. We only had about 15-20 traps at a time. They only want us to have 40 traps with a population of 1500.

When you really look at it, when you have the whole commercial season that's happening every year, zone 23 alone, you're looking at 240,000 traps, just that zone alone. That's not including 25, and you know it keeps going. ... We're only allowed 40 traps. And, the only thing that really hit me hard, we're only allowed 40 traps on the very same resource that our ancestors depended on for their survival. And it wasn't right, it didn't feel right, it didn't look right.... (Leo)

*The government, through Indian Act and British North American Act, all these acts, puts the government in a fiduciary responsibility for the native people in Canada. And when they took over the constitution from the British government, the British government told the Canadian government, "Well, now, we're not responsible, we don't have the fiduciary responsibility.. you are responsible for the native people." So they're trying to find ways to get rid of that traditional responsibility. ...*

Our health, medical, used to be under federal government, they unloaded us to the province... So that's what the whole question is, is about rights, and reserves are being diluted, they're worthless, they're just paper.

This is what the fishery was all about. To take a stand against our rights are getting smaller and smaller and smaller, and they'll be worthless. (Dalton & Cindy)

At the peak of it, it was kinda surreal. Because you knew that the government was against you.... Even though... I work in an office, my brothers were out there fishing, my nephews, my cousins, there were women out there. You felt like "This isn't happening!"

You know, its almost like, well, maybe somebody's gonna realize pretty soon that they made a mistake and they'll apologize. But no, nobody came, nobody apologized. The government wouldn't talk to us. We had sent letters to the Prime Minister asking him to do something. No response. We even contacted our union officials, and they contacted the Prime Ministers Office... but no response. I wanna know what was preventing him from getting involved.

The way I was looking at it was, okay, they don't see us as Canadians. They're looking at us as people that they have to put up with, because they moved to this country and they don't know how to deal with us. But they know that they have to deal with the non-native people. And they have more – they think that the non-natives have more at stake because they're taxpayers. And because we're not taxpayers we don't receive... the same respect. So it was real – it was unreal really. (Barb)

So whenever we stand up [for ourselves]... we used to see a lot of people, ... the elderly, not the elders, come and say, "You gotta stop, cause we cannot beat Canada, their armies are too big."

So we explained to them that they [Canada] cannot do what they used to do one time... where they would go and massacre people. But that fear is always taught... they've always threatened wars.... It seems like in Canada whenever we start fighting we're surrounded by so many outside forces. ...It's so dangerous and so powerful. Everything leads to the fact that we are beaten to the point that there's no self-esteem, ...yet there are others who have connected back to their spirituality where they're starting to stand up and say, "No. I will stand for my people. Even if it means I have to die for my people."

One of the bravest things I heard, and at the same time the most foolish thing was when one of the guys, when they were in the waters, went face to face with these [DFO] guys, who were shouting at them.

"I'm ready to die this morning, are you?"

And they [DFO] just drove off. And our guys just stood there. He meant it. He was tired and sometimes I thought about that. Why did he say that?...was there another option? Was he gonna die through drug addiction, overdose or was it gonna be alcoholism? He said "No, this is the more honourable way to go."

...I was in awe with this guy. ... he never made a big deal out of it. I don't think he even remembers ever saying it. ...You look at that person and his spirituality and what he's got, I mean he's strong. He has chosen. He wasn't going to bring harm to anyone, but he was going to defend what is his.

For me, to give up what is there is hard, because it's my inheritance. It's my children's inheritance. I can't give it up. (Lloyd)

I mean when we say something its conservation. Anybody else it's the economic growth of the area. ... We even have better guidelines for conservation than what DFO's following. ...

We're considered lawbreakers, that's what we were, and yet we were following the law. ... The Supreme Court said it was okay. So what they did was went to the Supreme Court. Had it changed.

*They couldn't actually change it very much, but they amended it, in terms of like, "Okay, they have the right to fish, but we have to have conservation."*

*That's the biggest word that they can use is conservation. We have to look at the conservation of this stock, and we have to control them, we have to turn around and regulate it and stuff like that. Where we already had our own conservation and we were following it. People were going fishing following the conservation, if there was an undersized lobster they would throw it back, if there was a female with eggs they would throw it back in, you know, people did actually follow the conservation guidelines that the people here have drafted up.*

Why destroy a fishery that you depend on? That's the thing... (Dalton & Cindy)

When it comes to fishery, there's so many things that you could talk about, but they all lead to one thing. It is that there's fear that somebody's gonna catch it all, and it's not gonna be them. (Lloyd)

...they were saying we're so concerned about the environment, when they are responsible for the depletion of everything that is out there. ...

I think its all about the fishing industry, and the government being in cahoots with the fishing industry... obviously there needs to be some environmental restrictions and stuff, but the management plan that we had worked on was great. It was more geared towards the environment than the government's program ever thought of being. Environmentalists and scientists and different people coming in and looking at the plan and saying "This is great, this is wonderful..." There was not going to be a problem. The government made it into a problem because, I don't know - greed? And because they just wanted to control it. I think that that's the main thing. ... (Alana)

We were lucky that the army didn't come in. Yet. Yet. I'm saying yet because it could have been a possibility. I think the reason why the army didn't quite come in here I think its because we had the media, we had the peacekeepers, we had support all over Canada...

Cause I remember when it happened in Listuguj,<sup>2</sup> ... the army came in and I remember the army going to different homes, and you see the movies how they tear things, move things around, pulling the guy by the hair and draggin' them out. You know, stuff like that. That happens, kids crying and screaming, parents, mothers, hiding. That really happened. They come to our waters - we can block it all they want, but we're still open from the waters.

I met the person who got shot [in Listuguj]. He told me about what happened to him. [silence] Nothings very changed. So cameras everywhere, that you just want to did something that we always did, but the government don't like it because the big companies are making money, and they just want to take whatever we have. (Audrey)

<sup>2</sup> Previously known as Restigouche.

## VII. Neighbouring Communities

As the dispute went on, the local United Church minister worked to try and bring the English & Native communities together for discussion. They eventually secured some funding and a facilitator for these discussions from the Province of New Brunswick's Aboriginal Secretariat, but the level of trust between the communities did not change.

There was a minister from Tabusintac. He came to Burnt Church, they were looking at starting a – different religions getting together to pray for a resolution to this whole matter I guess. They were having a meeting, at the Burnt Church Women's Institute, off reserve.

... Some of the councilors went. So we figured, with all of the animosity that was going that we didn't feel welcome, but if they wanted to meet with the Chief and Council, they're our representative. So if they [chief and council] went there and they came back in one piece... *laughs* ...that's what they were voted for! *Laughs* Throw them to the lions and the wolves. (Barb)

But our words don't even – they're not even valued. ..There was an attempt from the province Aboriginal Secretariat, where people came to try and coordinate dialogue between the communities. And ...many of our members came to the first one but they couldn't go back. They were just, "You go. You can stomach it, you know, you can say what's on everyone's minds."

...But we would talk to them, "Is there something you want to talk about?"

They said "No."

...It's too much for them. (Miigam'agan)

The English were a little bit more aggressive in their battle. The Acadian fishers were aggressive too, but the English, not the fishermen but on land, they were pretty hostile. The Acadian the fisherman were hostile, but the people on land supported us but could not come and openly say they supported us. "... if we come out and support you, they would not support our business, not only that they would come out and slash our tires." ... We had people at our place, Frenchmen bringing us donuts, coffee, they were pretty friendly. Their kindness was to tell us, "Look, we don't support what's going on out there. I mean, we support what you are doing and we always have... We can't openly profess that cause some of our family members are fishermen..." (Lloyd)

... We were always growing up with the fact that Neguac was always French, they kinda looked down on us, ...and they outnumbered the English. So we weren't as much worried about the English as we were about the French. *Laughs* But when you're looking at the way they dealt with us, to me it was like if you're not native you're not native, it didn't matter whether you were English or French. ...To me, what it boils down to is that they all need somebody to look down on. (Barb)

### VIII. Native Solidarity: the AFN, Warriors, and other Nations.

The community received many kinds of support from other First Nations, not only from Warriors, but also from the Listiguj First Nation (in English, Restigouche), and the Assembly of First Nations, who sent Ovide Mercredi to stay in the community. This solidarity is related with warmth and appreciation, in a community where the power of their opponents seemed so great.

We felt isolated because we knew we were being treated unjustly by the white communities and the RCMP who also turned a blind eye. We began contacting other native communities and non-native allies from different organizations and churches. The first to respond was the Listiguj Mi'kmaq community, Chief Metallic and his council and they also brought their Mi'kmaq Rangers. They told the community they responded because of a protocol between Mi'kmaq to unite when one of our communities are in distress. The spirit in the community was uplifted and validated by their presence. Once the media aired the news of what was happening to Esgenoôpetitj and the Listiguj Rangers by the attacks from the DFO, more supporters came from all over Wabanaki communities from the maritimes and maine. There were many others that came such as the human rights groups, peace keepers from a collective of church organizations, the Aboriginal Rights Coalition Observers, and national native organization representatives from the Assembly of First Nation.

Looking back I have to say, I believe in the Spirit's creative power and how it works, if a person or a people stands up for the greater good and until you can't endure anymore then sacred will come. Certainly, our faith was challenged, our physical stamina, and our skills and resources were very limited. We knew we needed support and the community members were looking to us for guidance. A few of us began contacting people we knew for support and guidance on what was happening in our community. One being Listiguj chief Metallic

The chief asked what we needed and he shared an old protocol that existed among the Mi'kmaq. He said he would present this protocol to the council and will call us back. I will always remember that day when Metallic called to let me know what time to expect them that day. I'll be forever grateful to the Listiguj Community and to all the communities who came to our aid. (Miigam'agan)

Another person that I hold to my heart is Ovide Mercredi from AFN. The large presence of Ovide Mercredi was very strong medicine for the Elders and the people of Esgenoôpetitj. I observed him for awhile and watched the response from the elders to see who he was. Ovide is a very compassionate person and a smart leader. How the Elders and the people responded to him in the community was like the Pope to the Catholics. *[laughs]*

When we found out that Ovide Mercredi was coming to the community, the former National Chief, we wondered how the people will respond because we thought that they would not know who he is. What will they think or say to him? And it was just word of mouth to the community that he was coming in, and at that day we were overwhelmed with so much happening for everyone with all the raids and attacks by the white protesters and the DFO. It was chaotic. *(continues)*

My goodness! When Ovide arrived at the school gymnasium. There so many people who came to greet him and the all the Elders came, even ones who were in their homes for so many years. They all came out. There were so many people I was so inspired by my community. At first I wanted to pretend to Ovide that this was like a natural happening, but it was amazing, the response he got, and how respectful he was to the elders and to the women in the community. More people came, supporter, warriors, media and observers with more cameras.

The elders brought gifts to Ovide. Nobody organized this presentation from the organizers and it happened. I was overwhelmed and humbled greatly by this act. I thought, my God, I can't believe our whole community is here. And this is what we don't see about our community. So for me, my whole experience was like I got to see my community in its best light. In what we're capable of being and who we are.

(Miigam'agan)

More than other groups, the Warriors were received with mixed feelings.

We had warriors coming in from all across Canada... [The first two I met,] they had just come from British Columbia – and they were there to protect the community. And I thought wow! People in BC cared enough about us to come here? ... and that was the first clue for us that we weren't alone, when these two showed up. It was a feeling you never forget. ...they took over the wharf, eh? *Laughs* that was cool! ... (Barb)

*And the biggest thing was at that time, ah, the Warriors, their mandate was to follow what the community said. That was their biggest mandate and that was understood by all the Warriors when they came down here. Was that it was the community, the community was the first mandate, they had to listen to what the community wants. And the community wanted non-violence. That was the biggest thing that was non-violence.*

*When they went out to the waters, they were more or less observers, and to top it all off they were – they didn't attack until they were attacked. ...They were more Peacekeepers. And they got the direction from the community. The community elders, more or less. (Cindy)*

... There's a group of Native Warriors that go from one conflict to another, it's the same group. I've seen [one man who came here] in a number of other situations too. ... So you know that these guys – they're there to help the people. ...They're really committed.

Its like Canada has their reserves, army reserves, we have our Warriors. (Barb)

As for the Warriors – well, I'm glad they were there, but also I'm glad that it didn't go out the way they wanted to be. We had to watch them. Because if it wasn't for them, we didn't control them, I think it would have been worse, somebody would have died, for sure. Cause they weren't thinking about what was best for the people. They were thinking about what we can do to hurt someone. That's how it was.

...A lot of them were not from our community, there's only a handful from our community, and those handful are been in the Navy themselves... and they were trained to kill, you know. And I think that mentality was still in them... they forget who they were at that moment, they were thinking all of what they had trained, cause that's what they were trained to do. And I think that's what they thought they needed to do.

But I'm glad that as the community as a whole we talked daily in our communities with them also, that this is not what we're all about. So they ... you know, they balanced out, in the end, after the last two years. But it wasn't for the community it would have been worse. They weren't thinking with their hearts, they were thinking with their heads. (Audrey)

As for the Warriors, well, ..Warriors were good and bad at the same time. Most of them are very militant, and they believe – especially the ones that aren't spiritually oriented –they're the ones that I do trust, and they were here to protect us from everybody else; they would have been the arm that would go fighting, type of thing. And they are quite prepared to go fighting – I'm not going to say how or anything like that. But there were some militants. I mean, ones with real hatred. Racist. These are the ones that, they just want to go to war.

The Warriors we had here were very good. I mean they stayed in the background. The leader down here, he had military training and he kept them in line pretty well. The idea of the Warrior society was very true – they were there as long as they were needed, and they were gonna do anything to protect the reserve. There were other Warriors that came in from other Nations. In a way, it was kind of – it made me kind of nervous to have them here, and then it was kind of safe to have them here. (Dalton)

The presence of so many newcomers from other nations and communities changed the face of Burnt Church during those years.

[We were] having other chiefs from other provinces, all across Canada, like there were truckloads of people coming in every second day, there was a busload. You could walk down Bayview Drive and not meet a single soul that you know. They're all strangers. That's how it was. ...I'd be meeting people that I didn't even know, you know? ...It was really something. It kinda reminded me of the time there used to be potato picking going on. Everybody'd go to the States and potato pick. There'd be native people from all around New Brunswick. ...There was that feeling, was that everybody you met, they were there for a purpose. They wanted to be there to show their solidarity, to show their support. That was a great feeling. Cause then we knew, we were doing something right. (Barb)

## IX. Community Life, Community Pride, Community Politics

On a reserve of about 1200 this influx of people, and the hospitality that Esgenoôpetitj showed in response, had a strong impact on members. This strength and resistance was linked by some to the state of band politics at the time.

Burnt Church basically became a fortress. It was barricaded there, there, there.

*And the community – the community felt united.*

Ah, that was so neat. When you're used to seeing the people of Burnt Church quibbling with each other and all that – all of a sudden, everybody was united.

*Actually the drugs and alcohol went down. ... It went down because... young people were taking it seriously. They were like, "Hey, this is my right, this is my living that these people are affecting."*

*...Actually you could see the pride in them.*

Pride, yeah. That was pretty neat. There was nothing the council could do, they had no hand in it, they just ran with it – and it was organized. People had their act together finally. It was pretty neat. (Dalton & Cindy)

Staying grounded and to keep reminding yourself and the people our vision and our agreement to maintain our focus that this is a community peaceful protest to demonstrate for one year for the betterment of our community, and that we expected this aggressive reaction from the non-native communities. We cannot lose control, and retaliate.

The community organizers facilitated, and worked around the clock to support the community demonstrations and the development of the fishery management plan. We were always at the forefront, organizing groups and meetings, because we felt that if the women and the elders were present at the forefront that the people would behave more respectful.

Because in the big picture it's all about a collective – you know, the women and elders' responses are being observed by their community. So their presence was important, and it wasn't a trick, but it was like to offer the support of the medicine, because we're such a social culture – ...Community Relationships are very important (Miigam'agan)

We would get faxes every day at the band office, "We're praying for you – we support you." People you didn't know, but they found out Burnt Church's fax number. Money. Money was being sent. It was something! Strangers would come by, delivering 50 lb bags of potatoes, boxes of food, and they would drop them off at the band office, because the band office was the kitchen of the community. That's where all the cooking was going on. There was people designated to do the cooking every day, to feed the Warriors, to feed the guests. And people all just pitched in, and they worked side by side, much as they were fighting before, they were fighting together *laughs* ... (Barb)

Our community was already in a deficit. Although our community didn't have the resources for coordinating such a large demonstration, we managed because of the many contributions and support received from fellow native communities and non-native communities and organizations. This included all the financial resources and supplies helped to fuel vehicles, fishing boats, trap replacements and meals for everyone and some of the legal costs.

You know, someday I'd like to do something maybe after we all recover from this experience, to honour the people and the councilors who put their lives aside to stand for this cause. I know we all got hurt by this but we were there for each other. I recognize this act as the *Love* we have for each other. And because they were instrumental, I want to honor the Pictou Mi'kmaq community in Nova Scotia for upholding the *Voices of the Mi'kmaq people* by not signing the agreement. While the other communities at the grass-roots were not heard. Thank you for hearing us, the ones who do not support those agreements. (Miigam'agan)

*Actually, the time the fishing war happened, we had another leadership. The old chief was there, ... and few remained, we had an election, and his ..group*

*They called them the old guard*

*The old guard, they were powerless, because they did not have the majority. The majority were new group, and they had more power. So he was basically powerless. ...that's the reason why the fishery war held through. Because the other councilors, the councilors who had the majority, they did actually listen to the people. ... The chief on the other hand, ....the chief and his majority were hiding basically until the cameras came up...*

*Pretty messed up. Reserve Politics. Can't have the reserve politics unless'n there's drugs and alcohol. (Dalton & Cindy)*

## X. The Signing of the Agreement-in-Principle

Band Council elections were held in 2002, and the balance of power shifted in amongst the councilors. The “old guard” was reinstated, and the majority of votes on the council were with the chief once again. Before the beginning of the 2002 fall fishery, the chief and the Government of Canada signed an Agreement-in-Principle to settle the dispute and calm the waters. This agreement included provisions for a force of ‘Guardians’, native people who would participate in the policing of native commercial fishers, and for training of native fishers, as well as boats, licences and money for the community.

... Thing is, a lot of us truly believe if we had stayed in the water for one or two more years, then we would have become part of the furniture. In the sense where [the government] would have said “Let them be...” We had enough energy to keep going. Most of the young people that were there basically kept saying, “If I need to go back in the water to do it all over again I will.”  
(Lloyd)

... we have an area that’s been created where if we were not going to stop our rights, then we’re putting our people in a [bad] position, because now they’re Guardians. So we’ve just been put in a really good situation where we would be fighting each other. Because there is a real sense of betrayal, for sure, and not everybody benefited from it [the agreement] – no one, really. It was already – it was a deal already done...

It was even being said at the community meetings that this [agreement] is a setup, and the way the chief and council of the time undermined the community. Indian Affairs, they were involved....  
(Miigam’agan)

I have mixed emotions actually, because I think that Wilbur felt he had to do what he had to do, because you have to give him credit for hanging in there and supporting the community and going to war with the government of Canada when no other Mi’kmaq chiefs really did that. ....sticking his neck out like that... and I think that the pressure just became so great, and I think that he didn’t want to see anyone hurt. And perhaps he saw an opportunity to ...make things better. There were those that were tired of the fighting, and were urging him to sign... “This is depleting our resources...” “We’re tired...” “Someone’s going to get hurt.”

He had to make a choice. ...It was an agreement signed under duress.... I know that there were a lot of us that were not giving up – we just didn’t have the power to make somebody not grab a pen and put it to paper. How can you do that? (Alana)

It wasn't us that signed the agreement. Chief and council signed the agreement, and they're the only ones that benefit from it. And the non-natives benefit from all the millions of dollars that was supposed to come to our community – went back to scientific projects, buy-backs of fishing boats and licences, [training]... And the people that trained us was the people that were fighting us on the water. And now they're getting paid \$2000/day.

Today, the money's gone today. People are still... there's nothing that we can rely on for our use. Nothing. The reserve looks the same then that this time when we had 25 million.

We had a group of people that just jumped on it when the first offer was made. We offered our people the same, but with a much higher, a much better future. Fish, you know. Fish, work, new life, new vision.

When you have people being poisoned with drugs and alcohol, young people, where does that lead you? People that are not educated, people are gonna believe whatever you tell em, because they trust you. Their leader is like an abusive relationship. "I'll change soon..." I know sometimes when we speak like that we sound like we're in the third world here, there is a third world condition here all around this reserve. But what I have here, Sarah, is what I worked for.  
(Leo)

The way that the Chief and Council had ...designed the way that they were going to distribute the boats, were by family. And that was another thing that didn't sit well with the people, because whenever a member of a family was selected to receive a boat, that meant that the whole family was going to be a part of this business. But what happened instead was they started fighting over who owned the boat. So after a while... [brothers who were supposed to be fishing together]...got into a disagreement... but because the boat had been in one person's name, that meant he didn't have to share with anybody. So you had things like that happening in other families too, where they were fighting over the boats...

One elder, her sons still are fishing for her. And that's the way it was supposed to be. ... She said "You see that boat out there? That's mine." Really proud, you know, like "That's my boat. That boat doesn't go anywhere until I say so." ...She's got a real good family, her sons and her daughters really look out for her. ...

It's still an interim agreement. If the people are okay with it, and we're still allowed to have our food fishery, I guess, we'll have to accept it. (Barb)

As the community becomes accustomed to life under the agreement, some feel very pessimistic about the future of the fishery, and about the consequences of the dispute for the economic future of the community as a whole, and for those who were leaders during the dispute in particular. And others count on faint cracks of possibility.

Lobster fishery is going to go the same way as the cod. This is the policy of the government. What they're doing is making laws, and once the laws are set they're going to let people fight. And once they start fighting they're going to come in with their rules and say okay, you guys can't get along? We're going to take this away, take that away. Even commercial fishermen around here, it's going to go down for them too...dead within 20 years....

(Dalton)

*Most of the people that were involved, were basically used and then dropped. ... People that had jobs at that time, still have jobs now. But the people that didn't have jobs, and they were in the forefront of the dispute, they have [no hope].*

*...It's settled down quite considerably. There is still bitterness and anger. There is still, you know, what is still unresolved – you know, like what were we fighting for, if we didn't get anything anyway. Now that the chief and council have it all, and the people that fought for all this stuff ... (Cindy)*

It's too bad that we speak of it in the past tense. ...It was a very exciting fun time and we were doing something that we believed in. And now it's just like nobody wants to organize no more. They've been stomped on again, you know what I mean?

*And betrayed. Not just by the government but by the chief and council also. You know. The betrayal there. There's no jobs, there's no economic development, there's no other – that they promised that it would be....(Dalton & Cindy)*

*...If something like this ever happened again, people might be wary about it now, because of what happened. ...why should I stick my neck out for something that you're gonna benefit? Nobody benefits, the community didn't benefit anything. The other communities benefited. Chief and council benefited. The government benefited. But the people in the community didn't benefit. (Cindy)*

Today some people would ask us, "If our community feels they won? Or did you get what you were fighting for? For me, I would say. "Yes and no, yes because we exposed Canada to the world of its racism and injustice against the native people. We also had our story/voices documented so that our next generation will know the native people united in Esgeñoôpetitj to protect their rights, as our ancestors did for us. I believe we succeeded in many ways, and the beneficiaries are the next generations. Of course there are also many folks in Esgeñoôpetitj that will say that they did not gain nor benefit from the fishery agreement. Many people are still struggling economically and poverty is still an issue. I pray that we will continue to grow stronger and live healthy and well so our children will have a better future.

You know Sarah, in our prophecy our ancestors said that our generation would witness the western world/institution fall. I believe this, as my dear friend reminded me at the last national social justice conference She spoke to the people at the conference "that a country is built on its highest law of the land and that is what Canada is founded on. That one brick was pulled from its foundation and has weakened your system. The Native people recognized this first act a first step to the fall of a system. This brick is the corruption in the supreme court when the some of the judges were replaced to change and alter the decision previously made in your supreme court with the Mi'kmaq case. (continues)

...the ultimate thing that we wanted to do was to send a message, a message of truth. That this is our land, this is who we are as a people, we have been here for time immemorial, and most importantly for our community connection to each other and to honour our ancestors and for our unborn generations. As a Nation, We are trying to grow/thrive like the flower that comes out through the concrete. You know... I think we've cracked the concrete, but I know it will be paved over! *Laughs* (Miigam'agan)

Clearly, opinions on the outcome of the dispute are mixed. In a community of great and terrible need, the dispute was a time of great and terrible hope. Few of these great hopes were realized in any substantive way. And yet, as time passes, people find that they have not been entirely dashed, either. These great hopes are now hopes for the future.

### **XI. Lessons & Hopes for the Future**

When people reflected upon how things in their lives and their community had been changed by the dispute, and upon what could be learned, their visions of the future were complicated by the closeness of the past. Many people in Esgenoôpetitj still believe that change will come, but few believe that they will see it in their own lifetimes.

To me it was like we all breathed a sigh of relief when it was over, and everything just - the life cycle started over again. It was like the whole world was praying for us. We were under a bubble – that was what it felt like, we were under a bubble or a microscope or something. ...

Things changed for the better, if anything, because of the dispute. Everybody all pulled together. Before there was a big division. ...Just like anywhere, there's always half of a bunch that say that you shouldn't do this, and the other half say that they should. That's what was going on here, even before the crisis. There were people that were saying don't take the boats, don't take the money, we're going to lose out on our fishing rights, we're going to sign away our fishing rights.

And the chief and council would say no, we're not going to lose our fishing rights.

And they would say the chief and council are just trying to steal all the money, they're trying to sell our fishing rights.... Whenever there was a meeting... it was a name calling ceremony.

*Laughs* ...

But when the crisis happened, it was like everybody forgot all about it, they put their grievances aside, and they went out there and they fought next to each other. People that were calling each other names all that year before were fishing together. I still think that there's people here now that were getting along better than before the dispute, because then they found out what was really important... (Barb)

For everything to change, the dispute, to me it's still going on, Indian people are still at war with Canada. I mean, is there peace?

No there isn't. Not as long as there's hatred... racism... one society deprives of its original inhabitants of what is rightfully theirs, there is no peace. ...Unless they repent. But what are the chances of that? (Lloyd)

I find [the people in neighbouring communities] went back into their sheep's clothing.

... [I used to say] we're all red under our skin; our blood's all red, but not now. You'd even tell by their eyes, and how they talk to you – nothing's changed. I found out they'd always been like that, I'd just dared to believe it wasn't, type of thing.

... I'm not violent or militant or anything like that, I just know better, that's all. More cautious. And if anybody wants to know, and they ask me, I'll tell them it's the way it is and it'll never change. Some are more bigoted than others, some more intolerant. Even the government. (Dalton)

Do not view everything that the media says as gospel truth. The government is in control of the media and it's slanted. So if you hear of an incident happening on First Nations soil and you watch it through the lens of your TV, just be aware that they are always going to portray the native peoples as being hostile and militant and doing this and that, and downplaying the governments' exacerbation of the problem.

And I think that a lot of the Canadian people were really influenced by the media to turn on the Mi'kmaq people, when the – the information and the stats and all of the stuff that was being presented – the information was slanted, and geared towards swaying public opinion. And I think if there are more incidences happening on First Nations soil, the same tactic will be used. So I think that as a whole the Canadian people need to be a little wiser, that just because something is presented on the news does not mean its 100% true. (Alana)

The thing is that Indian people recover faster... it's been going on over 500 years. I mean, they come, they try to beat up on us, they lie to us, they cheat, they walk away. We look, we accept them back in, we love them, they do the same thing over again. As soon as we turn around, they stab our backs. The same thing over. It's all said and done we turn around, we smile, we take them back, we love them. It repeats itself. But now, we're gonna smile but we're not gonna turn around. No more. We're gonna face the enemy.

The enemy, it's not them, it's what's influencing them. That's the enemy. ...their influence and what they're listening to it's not of Christ, it's something else. So I just smile. And don't turn around. ...That's why I wear a breastplate. Not to cover my back, it's to cover my chest! (Lloyd)

I believe one day, our nations, the communities around us, like Burnt Church, and even up North, something's gonna happen. I really do. All the people, one day we're gonna stand and be strong. There'll be something brought stronger that we're gonna be fighting. It'll come.

...But it was some awesome time though. And I'm not talking about the fighting. Just having people different places just coming and supporting you. Meeting your lost cousins or aunts or uncles or grandparents, you never seen for such a long time. Like a whole other family. .... Because it wasn't just Mi'kmaq nations, there were different places, and they were all coming to support you, and being a family and being proud of who you are. We forgot about what we were taught as in Catholic or Pentecostal or United or whatever – you didn't think about those. Because God told you be who you are, come as you are. You know, it's not because you try to be good all your life. It's not that. You try to do best, of who you are, and that's how He'll accept you, as you are. Long hair or short hair. Straight or not straight. At that moment, you forget about ... you're so just being proud of who you are. Because I know growing up, I wasn't sure who I was. (Audrey)

I don't even think we've begun to really heal, I know just myself, I can't afford to open up that can of worms because things will fall apart. ...Everybody just swallowed everything, ...

One thing I do know is that any community that has gone through that kind of trauma, there's two things happening, paralleling. And one of course is the trauma, but the other part is the spirituality. There's a real awakening and a real liberation... putting everything into... what you believe and what you've been talked about. And then so we went through the place that we'd talked about. So we really got connected. I think, that it made us more closer, and I think we really bonded, in many ways. Our experience ...our knowledge, looking at the world through this angle – this angle is not a no-win situation. *Laughs*

I think the one thing that is swallowed would be... a deep sense of despair. This is not our time – this is going to be a long haul! We are under oppression, and its going to be up to Creation to shift humanity and awaken humanity, including ourselves. (Miigam'agan)

... It's just not fair. I shouldn't say not fair, because I want to go to that level, I want to keep that vision that we are very capable, and that we will be able to bring in that balance. And actually as I say that, I believe that more, but I think we need to...to allow that growth, and the experience, and I really trust the outcome of it. Because [it] instilled a lot of peace you know, for the new generation. That was a big thing. I know it's a big thing. ...

People experienced a lot of what our ancestors had talked about, the visions that used to take hold. And so we started experiencing much of that, personally. Even out on the water, it was the presence of the ancestor's boats, the human relations and the non-human relations. It was so evident, that spiritual part of it all was that reconnection to the unseen life. And a better sense of total acceptance. Maybe it's not being practiced or remembered every day, but the kids are going to even make it more of a legend, you know what I mean?

It's gonna be bigger than, even what we know of today. ...In one sense, I think it's an experience I would never change, even though its hard... – it's a balance always, it's a lot of deep wounds, deep hurt, [but] the other side to that is liberation and spirituality, spiritual liberation – something you can't hold [on to], but you know. (Miigam'agan)

The lessons for the future remain unclear. For people within the communities, the focus has shifted away from political action: of those who were activists in the time of the dispute, many have left the community, and most who remain reject politics. And yet disputes such as this continue to arise across the country. Certainly one of the lessons of Burnt Church is that we need become able to hear each other's deeper needs and concerns; the events that emerge in this oral history of the dispute are very different from those portrayed in the public sphere.

And you know it's not even about just rights to exist economically/physically. Some of us know that this was more than that. There is greater teaching in a very deep way /spiritually on how we all live together. I strongly believe our actions determines our future and for the generations of all our peoples. It is simple, for me, to honour each others truth and respect each other so we can co-exist in good relations and live in harmony with Creation. (Miigam'agan)

## Appendix 2

### Interview Excerpts: stories of the dispute from the English village of Burnt Church

#### I. Introduction

Next to the Burnt Church First Nation, on the same small peninsula on the edge of Miramichi Bay, lies the village of Burnt Church. There are about 85 residents of this community; they have a church, a community hall, a small local credit union, and have converted the old schoolhouse into a seniors' hall. People make their living fishing and working in the woods. A few work in the paper mill in Miramichi and at the local school board; many joined the Canadian Forces or left to find work in other cities across Canada, at least for a time. As in the First Nation, after spending about six months living in Burnt Church, participating in community life and developing relationships with people, I began to carry out in-depth recorded interviews. In the English community, I spoke with a total of nine people in recorded interviews, and had innumerable informal conversations at community events which formed the basis of my research journal.

In the English village as in the First Nation, there were some who spoke to me about their experiences of the dispute the moment they heard of my interest, while others never raised the subject. Among the English, however, most everyone I approached to participate in an interview agreed to do so. In fact, there were more people interested in being interviewed about their experiences than I was able to speak with.<sup>1</sup> Unlike their neighbours in Esengoôpetitj, people in the village of Burnt Church have little experience of being poked,

---

<sup>1</sup> Some of this difference was likely due to all I had in common with those in the village of Burnt Church (language, ethnicity, etc.), as I discussed in the first chapter of this dissertation.

prodded, and misrepresented by anthropologists and researchers interested in their culture and worldviews. Like their neighbours in Esgenoôpetitj, they have much experience of being poked, prodded and misrepresented by the media and by government agents. In the English Burnt Church, once it was established that I was not a member of the media, or working for the government, people were interested in building relationship with me, and our shared cultural positions made this easier than it might otherwise have been.

Within the English community, there is the broad sense that the concerns and experiences of their village were entirely overlooked or disregarded in the public debate about the dispute. Some had high hopes that this project might result in “the truth finally being told” about their experiences in the dispute.<sup>2</sup> For these people the sense of being unheard, unnoticed and invisible in the dispute remains a key issue and concern. Others believe that the results of this research will make little change; for these people, a sense of hopelessness pervades.

*If you talked to every single person here, every single person would have a different story. But there would be scared, and maybe anger, in that story. .. You'll be able to write your paper with all this stuff, but Sarah, its not going to make a difference. In what happened here. Other than people were willing to share with you about what happened, but I really don't think that its going to make a difference. .. Burnt Church is seen as - it's not on the top ten of places to visit in Canada (laughs) ... But if you have roots here, .. people come back. But as far as [strangers] going to explore – no. No. So that's part of what you'll be able to, to give to people, is the reality of – it's a very small little village, but very big shit happened. And – what can you do? (Brenda)*

The experience of the dispute within the English community was characterized by one of the people I spoke with as that of a community under siege. Or, as another community member put it, “Talk about Iraq.” This appendix is an initial attempt to capture some of these feelings and experiences in people’s own words.

---

<sup>2</sup> Certainly these hopes are too high.

## II. How did the dispute start?

For many fishermen in the English community, the origins of the dispute lie in the Supreme Court of Canada's Sparrow decision, in which they recognized the right of First Nations people to hold a traditional food fishery. This decision meant that the people of the Burnt Church First Nation began to fish lobster for food in a fishery that was regulated separately from the commercial season.

The real beginning would be – 1990? – Sparrow decision, out west, food fishery for salmon. ...to be eligible for a food fishery, there was a test set up it had to be part of your culture, whatever, two or three things you had to meet. Basically the Dept of Fisheries or the federal government, whichever, just ignored that and let basically everybody have a food fishery for whatever they wanted to have a food fishery for. Without requiring them to take this test to see if they were eligible for it, Gave them really out of this world figures to work with. At that time, according to the reserve here, I think they had a population of 900 people – there's not 900 that lived here. I don't know how they drew their figures. There's 900 that originate from here or something. Some live in Quebec, some live in Maine, some live in town, they're from here, I think they get to vote in the election here... But they consider them a part of the population when... anyway, for 900 people they gave them a 400,000 lb food fishery. ...Lobsters. Well, they don't want anything else. They only want the most valuable species, so they can sell them. *Laughs*

They gave em a food fishery that was maybe triple what the commercial fishery was. ...That everybody had to make their living from. But they gave them triple that, just so they'd have something to eat.

The first year they fished a few traps. And then as more people fished they caught a lot more lobsters. So they saw them selling them, making all kinds of money. New vehicles and stuff like that, so then they all started to fish, so then they started catching their quota. In '94, maybe... Then after a couple years of that they cut them back to 300,000lb.

But even when they catch their quota, okay quotas caught, but some will go out and pick their traps up, and some don't. Fisheries don't go out and get them. Or they wait a week, watch them for a week, and then they'll go and take them when they know there's nobody there so they don't catch anybody.

*Laughs*

Basically, it's been like that for 15 years. From Sparrow went Marshall, and the same thing. There was a test for that the same thing. The court case was only about eels, ...

..but now they have snow crab quota, tuna quota, shrimp quota – you know they weren't out in birch bark canoes fishing snow crab. Hunnerd feet of water, chasing tuna. *Laughs* But they're, doesn't matter what fishery it is, they're the first ones to get a share. And then ...what's left is divided up amongst everybody else. (Matthew)

I guess maybe a person could start off by just talking a little bit of background information first. The background information concerning the fishing issue here in Burnt Church took place as a result of Marshall Decision that was handed down by the Supreme Court of Canada.

At that particular time, Marshall at that time was charged with fishing eels, out of season, and without a license. ...and they ruled that the MicMacs and Maliseets had a right to fish, hunt and gather, and trade in order to supply the necessities of life for them, as outlined in the Treaty of 1760, 1761.

So, following that particular decision that was made by the Supreme Court of Canada, almost within a week... September 1999... I believe around late September or early October 1999 we had um, Indians from Big Cove, Indians from Millbrook, and the local Indians from the BC reserve all converged on the wharf over here with their fishing boats, and they started fishing in October, fishing lobster in October. There never has been a fall fishery out here in October, it has always been in May and June, spring fishery.

So all of a sudden there were... a tremendous amount of people fishing here. And that raised a great deal of concern from the people living here, that fished here for years, that all of a sudden they're fishing out here in the fall, that they're gonna destroy, our lobster fishing is gonna be depleted, the fishing has gone down over the last several years anyway, and if they're out there destroying the stock then they're gonna ruin the fishery.

So the local community developed concerns, and these people were probably out there fishing for about a week. (Paul)

For Marshall? Oh yeah, [it made a difference] the next day. ...Everybody put in everything they could. We have statistics for each wharf, from DFO, and that year, the lobster catch, just on the bills that you get from the buyer, ...in 99 there was a million dollars more sold at the BC wharf than the year before. And that's only the ones that were sold to the buyer. So that's the difference it made right there. No small difference. (Matthew)

How it started was a way back when they ...made that Marshall decision. One guy was fishing oysters, and he was coming into the wharf, and he was being threatened. He and his family were being threatened every day. So when his wife knew he was coming into the wharf... she would get some people to go with her and go down and walk out on the wharf, so that he wouldn't be there by himself. ... Anyway, at this time they [native fishers] were fishing lobsters, and he was fishing oysters. And every day that he'd come in, there'd be a whole bunch of aboriginal people out there on the wharf, and they would threaten him, because he was fishing oysters. And his wife was scared that something was going to happen, ... different times when I was off work, I'd walk with her out onto the wharf... When he got them all settled and his boat all ready, he'd come home and we'd walk home, and everything was fine. But they did threaten the whole family, not just him, they threatened the whole family... (Mary)

### III. Sunday...

For many people not working in the fishery, the events of Sunday Oct.3, the day of protest, stand out as the origin of the dispute. This was a time when the conflict over the fishery became overt and violent. For everyone in the community of Burnt Church this was

*the* significant day that marked the dispute. This section begins with two stories of that day, and then moves to reflections on specific moments. The first is a poem written about the protest not long after it happened, by one of the women who was there, Marg Adamson. When she shared this poem with me Marg said that she was still very angry about these events when she wrote this poem. That anger and frustration is clearly reflected in her words.

### **Black Sunday**

It was Sunday, October 3rd.1999, when we planned a peaceful demonstration  
To show disappointment in the way the Government treated the Indian Nation  
Allowing them to fish lobsters, during a closed season, in the Miramichi Bay  
We made some signs and took our flag, to parade out on the wharf that day.

The media was there with cameras and tapes, to see what we planned to do  
Boats were to come into the Bay, to show some force, and they had media aboard them too.  
We proceeded along to the end of the wharf and then all the way along  
The Indians shouted obscenities to us and said, "Go back to Europe where you belong."

Someone came to the wharf just then, and said that some Indian traps had been cut  
Leigh was one person they decided to blame, so we knew there was trouble afoot.  
Leigh arrived at the wharf, just about then, to let the media off his boat.  
Evan and Bill were on board there too, and the Indians tried to get their goat.

Leigh left the wharf and went to meet, the other boats out there,  
We didn't see those boats again that day, they could have gone anywhere.  
We kept our eyes upon Leigh's boat, until we couldn't see it anymore,  
Some people had already left the wharf and made it back to shore.

The Indians crowded all around us, and told us of their hate  
The RCMP made us leave the wharf, they wouldn't be responsible for our fate.  
Many people didn't want to go, their husbands vehicles were there you see,  
They didn't trust the Indians out there, "Now that is just between you and me.

There were many Indians around us, and one was mouthing off as well  
Warren asked the cops to get his name and he shouted, "I'm Chris Bonnell".  
He said you're cutting off all our traps, you know this isn't good  
You are all trying to ruin us, and you're taking our livelihood.

Did you ever hear such crock in your life, the Indians who work are few  
So what livelihood are you cutting off? They could fish if they wanted to.  
The Government, which is you and I, have since come to realize,  
If it's fishing gear they want, that's what they'll get, some of every size.

There were many things said to us that day, as the Indians tried to intimidate  
They said they would bum the houses, and rape the women, and our land they'd take.  
The more they drank, and as more Indians gathered, the more bold they grew,  
An Indian boat went up along the shore, stole eels and cut nets too.

We finally made our way to shore, and stood shivering in the cold,  
They did get most of the vehicles off the wharf, but two had no keys, we were told.  
Debbie phoned a tow truck to bring them in, we were scared to leave them there you see,  
The RCMP cancelled that call, the drivers safety, they couldn't guarantee.

All day long the Indians traveled with beer and guns and booze,  
And not one thing was done to stop them, this battle we're sure to lose.  
The RCMP stood idly by and watched this all take place,  
I think, they like to see the Indians, spit in the white mans face.

They came and took over the wharf that day, and for a month or more,  
They brought in Warriors and put up flags, and had teepees on our shore.  
This is getting away from what happened that day, and I really shouldn't digress  
The local people took a lot of abuse, from the Indians as well as the press.

Both Frank's and Menard's boats were there, to the wharf they were tied,  
The Indians removed all the equipment, and wouldn't let the owners inside.  
An Indian finally did help Frank, he untied his boat that day.  
If it weren't for his help, Frank wouldn't have been able to get his boat away.

The Indians threatened to burn the white man's boats, and we felt the threat was real  
We saw them burn two trucks that night, after taking all they could steal.  
We knew their threats weren't idle, that they would see them through,  
So needless to say, the whole community was scared, the Indians had us outnumbered too.

The Indians went up to Leigh's that night, and what they did was a disgrace.  
Leigh tried to stop them, as well as he could, now a trial he has to face.  
They rammed the door of Leigh's shed. And even though they did try  
They didn't get in, but they broke the door, so a new one he had to buy

Then there is the cost of the trial for which Leigh has to pay,  
It doesn't cost the Indians a cent, for them to have their say.  
They don't have to contribute, you and I will pay their share,  
It seems something is wrong with this picture, do you think this is fair?

The Government created this fiasco, by not having regulations in place,  
But they sit in Ottawa and don't give a damn, what happens to the fishing race.  
They remind me a lot of the Indians, as their paycheck in they'll bring  
Whether or not the lobsters are there, when the traps are set this spring.

Dhaliwal, he drives me crazy, and makes my blood pressure rise.  
He'll never make a good fisheries minister, no matter how hard he tries.  
He doesn't know anything about fishing, advice fishermen he won't heed it  
I don't think he would know a lobster if he saw it, or even how to eat it.

So Chretien can talk out the side of his mouth, and say, "The Indians were here first."  
 Do they not have to abide by the laws of the land? Are they any better or any worse?  
 They should get those seven judges together, and make them go to prison.  
 In the cottages along the Burnt Church Road, for making the Marshall decision.

The anger and frustration that this poem expresses are common to many in Burnt Church, but they are not the only views of the events of that day. Others in the community, while very sympathetic to the concerns of the fishers and their families, take a more cautious view.

Then on Oct the 3<sup>rd</sup>, 1999, the local community organized some sort of a demonstration I guess you would call it. And they marched out on the wharf. They met down here on the end of the wharf and they marched out upon the wharf, there was probably about 2 dozen of them.  
 ...I know I went down to the shore myself and I wasn't even aware of it myself. ...I just went down, and it happened I seen all these people mingling around, and they had a Canadian flag. And I guess their ...concern was here's all of these people converging on Burnt Church and they're fishing our lobsters, and trying to ruin our industry and taking away the livelihood of the people living here. So they wanted to make some sort of statement that we have concerns as well, we live here. So they had a Canadian flag, and they started walking out on the wharf, and I can't recall if they were singing O Canada now or what. And of course the natives were out there fishing, working on their boats, and all of a sudden they were looking in at this parade of people. ...what's going on?  
 So anyway, I didn't go out with them. I followed them out, but I didn't go out with them, because personally I felt that sort of thing was a bit, they were almost inciting some sort of problem by doing that sort of thing. You're going out there, you're not telling anyone what you're up to, or who you are. If you hadda gone out and talked to the people at the beginning and said listen, we're going to take a walk out here... but they didn't do that.

So I kinda followed them out... I just walked out after. Anyway, they were out there, I don't recall exactly what they were chanting and going on with anyway, ... stood out there and had this Canadian flag. The natives were in their boats there doing whatever they were doing, they just continued. They certainly seen them walking by.

Then while they were out there a group of fisherman from across the Bay, Escuminac and Baie St Anne came across the water, they cut a bunch of traps that the natives had out there for fishing. While we were out on the wharf, someone called in to one of the natives on their cell phone or something like that, said listen, there's a bunch of fisherman out here and they're cutting their traps, the buoys off the traps and stuff. And that's just like throwin a rock into a hornets nest.

So next thing, the word spread just immediately, just like a flash fire across the wharf site. So the natives got up in arms, they surrounded the people that were out there on the little friendly march. The RCMP were called and they came, and eventually escorted that group of people off the wharf. Then of course, more natives come in from the BC area.

...They almost emptied the reserve, they all come up along the shore and parked along there. People were hollering and swearing, and there was almost a few fist fights. Anyway, I said, I don't wanna be out here, so I finally got hold of my wife, I said lets get out of here...

...there were two people that had their vehicles out on the wharf. That night, around 5:30, 6:00, those trucks were burned, some of the natives had burned those trucks, right on the wharf. Also that night too, there were a home down on the shore of BC... someone burned it. ...summer cottage... Then down on the Indian reserve, they had an arbour type of ah – some sort of a spiritual meetings, I suppose, some sort of religious arbour type of arrangement, I've never seen it. ... Someone burnt that down the same night. ...It was in the same day too there were six natives that went up to the home of - he has a garage up next to the highway. So they had a large truck, and they were ramming the truck into the door of his garage... so he heard the noise, so he had a Chevy van at that time, so he jumped in his van [with a neighbour] . They come up over the hill and he rammed the van right into the side of the truck ,and upset the truck on its side. And there were 3 or 4 natives in the back of the truck, and of course it knocked them out of their truck on the ground... Then they got into a fight. ...There was two other fellows from down the road farther came up the road too, and they started fighting with the natives as well. One of the natives was struck with a baseball bat, had his ear partially taken off. He had a problem with his hearing after that... 21.38 Anyway, he was charged with assault with a vehicle... he had to go to court several times. I think it cost him a little over \$100,000 for legal fees. It was a very difficult day in the community with all of the sorts of thing going on. *Recap retaliation – oyster beds and other destruction of gear...*

...one boat... actually one of the natives said if you want to keep that boat in one piece, you'd better get it out of here. This particular native said ... I'll take the boat myself, and drive it down towards Neguac... two of them took his boat... There were some people that did have a few cool heads, to say maybe I don't have as much animosity against these people, and I would try and help them. So there were some positive things that did come out of that. (Paul)

Many participants in the protest felt that their actions were misunderstood and taken out of context:

*“The protest on that Sunday was taken in the wrong context - it was to be peaceful, against the government...”* but it turned into something else. (June)

But it really wasn't against the Indians that we were demonstrating, in any way. That's not how it started. Or I would never have been involved... I don't believe in that. But anyway. It happened. ...when we first started out there it was just the fishermen. It wasn't a big to-do. It just got bigger and bigger and bigger and we got outnumbered and ... we were scared to leave. You were scared to stay, but you were scared to leave... I'd a never been involved, if I'd a known what was going to happen. I would never have gone there. ...It was a peaceful demonstration, I even made the signs, a lot of the signs... It said “Do we not have rights too?” and I forget now what all they said... I wasn't planning on getting in a fight with anybody. I was just going to demonstrate, which you should be allowed to do without violence. But it turned nasty. (Mary)

The cutting of traps during the protest was the focus of much talk and much shifting blame. All those I spoke to in the English Burnt Church insist that it was not their fishers who cut traps that day; they argue that the cutting was done by Acadian fishers from villages across the Bay.

DFO wanted us to cut the traps. ...

*Did they say so?... not in so many words maybe?*

Not that we could prove. But it was either cut the traps or send the fishermen out to pick them up. And take them in, seize them for the DFO.

So, you know, but DFO ended up being the good guy.

Because it was supposed to be a peaceful demonstration on the water. We organized it, and got it going. And, ah Baie St Anne got drunk. And went and cut them off. That's what happened, it wasn't supposed to be – they weren't supposed to be cut. And they weren't supposed to be removed until DFO asked.

But once one boat started everybody went. So. (Mark)

It did get rid of them, and it was done right. The traps aren't fishing – every one was hauled up and the nets cut out. So they're not ghost traps, they were destroyed. But anyway. ...

But everything came back on us, because everybody knew we organized it. So something like that you don't – you can't hide. And we were supposed to have – the RCMP was supposed to keep the wharf cleared, not let anybody out and all that. They just never did it. (Mark)

And that demonstration that day, that was pathetic. That was so scary. And it really had nothing to do with our fishermen in Burnt Church. Not one of the fishermen from Burnt Church ever touched anything belonging to the aboriginal people.

It was the people from across the Bay. From Baie St Anne, and Baie Du Vin and all those places. Oh, it was terrible. And they took their spite out on us, it really wasn't our fault, in any sense of the imagination were we involved in any of that... (Mary)

The consequences of the cut traps were high in Burnt Church. Sunday night a group of young native men took a truck over to Leigh Morrison's property, as he was being held responsible for the cutting of traps. In the resulting altercation men from both communities were badly injured, vehicles damaged, and charges laid.

... Leigh had a bunch of newspaper people on his boat. And you know and I know if he wanted to cut traps, he wasn't going to do it with them there. Now that doesn't even make any sense. But they blamed him for doing it. He got the blame... and a lot of that had to do with the media. Like if I was watching the news on TV, and I'd've seen what everybody else saw, well, I did see it. I'd say that was his boat, out there cutting traps. But it wasn't, it was a boat from the other side. They showed the front of his boat, with him in it... and they patched it together with a piece of a boat from Baie St Anne, on the back of the boat, where people were cutting the traps. And if you didn't know the difference...

I didn't realize. I said what's he doing cutting traps? My brother said he's not. That's ...the back of somebody else's boat, but the media put it together at that place.... And that's why he got the blame for what went on down there. That to me as the media. ... aah, I was some perturbed with them too.

And it didn't matter what you said, they'd come and they'd ask you a lot of questions, and then they'd interpret it in their own way. They never ever ever printed or told what you said. It was twisted in their words – maybe they didn't mean to do it. I don't know that it was done intentionally, I just know that that's what happened.

Because I was one of them that gave statements at the start, and then at the end I would have nothing to do with them ... (Mary)

Then that racket with Leigh started, there. [His wife] had phoned me, to see if I'd go over...I really think that the government should be made to pay his lawyers – cost him over \$100,000, just for a lawyer. To get off of something that the government caused themselves, and the Indians. ...He called the cops, the cops wouldn't come, That's partly what got him off, the cop admitted on the stand that they had called three times to get protection, and he went to his superiors, and superiors wouldn't send anybody. So – they threatened to rape his kids and his wife, and they threatened to kill them, and burn the place. So I don't blame him for upsetting a vehicle. If they hadda come to any other place, I think most people were sitting with guns loaded. I know I had a gun loaded here – I wouldn'ta asked questions. Because you don't know with them what they'll do. There's so much drugs floating around down there its unreal, and you never know what they're going to do. (Luke)

On Oct 4, the day after all this took place, when the other natives started moving into the area, they were dressed in camouflage outfits, some of them had masks on. They set up three different teepees – two of them out on the wharf, and then there was one down here on the shore...

And of course they were going night and day at that point in time, these people that had come in from other areas.

Of course, that bothered the community quite a bit. All of a sudden a quiet little place like this is disrupted with people tearing around 24 hours a day. ... So we didn't really know who was around or what they might be up to. Whether they were gonna set your house on fire or what...

It was a very difficult period. Was just like the community was under siege, for a period of time. (Paul)

#### IV. The Dispute Over the Years 1999-2002

There are hundreds of stories and anecdotes about the years of the dispute. Each person that I spoke to had a number of incidents which still stood out vividly for them. But there were a number of concerns and experiences which seemed to come up in many of my conversations with a variety of people in the community. I've set some of these stories together thematically here.

##### *rifles, RCMP & self-defence*

After Sunday's protest, most people in the community felt very unsafe. People knew about the long time that it had taken for the RCMP to respond to the events at the Morrison's, and felt that they were going to have to rely upon themselves. Many sat up at night in their living rooms with their rifles; later in the week, many had RCMP cars parked at the ends of their driveways; some people left their homes for their own safety.

When that first happened, my husband would sit in that chair, with a rifle across his knee all night. All night long. One night he said to me, "You can't go to bed. ... If something happened, I can't get you out. I can't protect you, if you're in bed with just your pajamas on."

So, for two nights I sat up with all my clothes on. Finally I said, "This is dumb. If they're gonna kill me, kill me! Get it over with! Why should I suffer like this?" So I said, "I'm going to bed, If you wanna sit there with that rifle, you sit there with that rifle, but I've had enough! If anybody comes in, I'll hear them coming, I'll be ready!"

And I did, I kept a 22 in the bedroom, with shells in it, And I used it - if anybody hadda come in, I wasn't - I wouldn't use a big gun that would kill somebody, but I sure would hurt them as much as I could.

Anyway, I went to bed that night, and that night about 2 o'clock in the morning, the RCMP was sitting in the yard here, and they came up and knocked on the door. ... And they said, "We just came to tell you that we're going to sit here in your driveway all night long, and for you to go to bed, get some sleep."...

So that was the first night, and that was almost a week after... that Sunday... That they finally came and said - they'd been here different times, and they said they had a list, and my husband's name was on the list of people the Indians were looking for, they just weren't sure where he lived. But his name was on the list ....

... And when the Indians would drive by, they'd almost stop, they'd go so slow past your house... Intimidating! That's what they were trying to do... And they did a good job of it. (Mary)

I never sat up with a gun. *Laughs* Oh, a lot of them did – I never did, I can honestly say I never lost a night's sleep. Because my wife told me to go to bed, the first night, and get some rest, and when she was tired she'd come up to bed and I'd come downstairs and watch. But I went downstairs and lay down on the couch, and I woke up at, I don't know... nine o'clock the next morning I think. I never actually thought they'd come to my place. Because they knew me. ...They knew they would have a little bit of problem, And a problem was not what they wanted. (Mark)

... I know they did drive in home that night, in the driveway – and oh, they were yelling they were going to kill us, and burn the house and all this. But I told the RCMP and told them that as long as they stayed outside the bushes at the end of the road that's fine, that's their problem. But once they came in it was my problem, and I'd call them later. And it wasn't fifteen minutes and we had a RCMP car parked across the driveway and it stayed there for two weeks. So. Who was that to protect? Not me. (Mark)

...I sent my wife to go upriver ... cause I knew what was going to take place here. And my young lad was in college, and he heard about it, so he come home... and we sat up at nights with shotguns, because we couldn't sleep. Like if cars were going right by, they'd slow right down... at your gate, you didn't know if they were coming in or what.... (Luke)

And the cops, we were told after, whether it's true or not, ... they were told if the Indian did anything, to look the other way, and if the white man did anything, to charge 'em with everything they could. That's what we were told by the cops. So. (Luke)

...The RCMP had things on hydro poles that they could pick up people's conversations and things, walking along. And they did – which was a good thing. Because when there was a car from the reservation, would drive around and they would make remarks to the people if they were walking...and it wasn't two minutes and there was a police car. And they had picked it up – they were round the community but you didn't know where they were. ...you never saw them.

They had high planes – like that time that the Indians said that their sacred thing was burnt by the white people. ... the media blamed the white people, but it wasn't, it was their own people. And the RCMP knows who it was, cause they had surveillance things there that saw it. But it never got in the media, the media blamed the white people for burning it, but it wasn't us, they did it themselves to create more tension....

They had planes in the air that could pick up movement and heat and voices... you never knew where they were or what they were doing. My friend used to say she hated to go for a walk, cause she might have to go to the bathroom in the woods and they'd be sure to see! *laughs*  
... They tried to make friends with the young people from the reserve... I don't know how well they succeeded. But at least things weren't missing off the boats. If the police weren't there, there was always things missing off the boats... (Mary)

*warriors occupy the wharf*

The divisions between the two Burnt Churches seem to have always been quite strong. The geographic boundaries are clear to all; the borders of the reserve are marked with red posts, and the road surfaces change at the borders. The wharf itself is in the English Burnt Church, and for people within that community, the wharf is their wharf, an important public and business space for the community. The native occupation of the wharf, a result of the protest, was quite a shock to some local English people – especially as members of the Burnt Church First Nation were joined by people from other nations.

...you might go down and stand around on the shore. You weren't allowed on the wharf, 'cause they came and took it over. And you saw them going out there carrying guns, carrying boxes of liquor, beer and whatever. And the police were there watching them. Letting them go by! That didn't turn my crank either, I was really upset. And that nice big cottage... we used to call it Sewell's – they popped a van... like a mini-home, there... The Indians did. Right on the corner. And they kept going in and coming out – and you knew damn well they were in there getting their dope. ...And the police were there, never stopped them, never checked, never do anything. Like that first year, I felt that we were - we were helpless. Nobody would help us. If we didn't help ourselves.... I felt defenseless.... If you couldn't protect yourself you were shit out of luck. Cause nobody was going to come to help you. The police weren't going to help you, the government had no intentions of stepping in and doing anything about it. And it was said that – if you walked on the side of the road and there was an Indian car coming, they would go right off the pavement. You had to get down into the ditch. It wasn't safe to walk on the side of the road, that's how hostile the situation was here... You certainly didn't go out at night... (Mary)

The reserve has always been a place that you don't go... but it never really spilt out into our community...it was 'over there' ... So when they decided to take over the wharf... and thousands of native people were there – where did they come from? Who are they? Why are they here? It was like an invasion – our wharf, of our space... what's this got to do with you as a stranger? (Brenda)

For me, since I was at the wharf more than anybody else, there was probably three years like that – arguing, fighting. But I don't mind a good argument. ...I do know now, nobody goes to the wharf anymore. In the evenings, it used to be the wharf was full, all summer. It's where everybody went, to get cooled off after a hot day. You never see very many people there now. *And that changed all because of the dispute?* Yeah. Oh definitely... I've had two or three people tell me that they just don't care if they ever see the wharf again. (Mark)

It wasn't safe here. We couldn't even go walking. My daughter had to stop walking down the road in our own community. That wharf was our wharf, part of our community and what we built and took care of, and we couldn't go on it. It wasn't safe.

The men had to be out there though, looking after their boats. I mean, you know how much it costs just if someone breaks a window in one of those? So they were out there with their boats. And one morning I took down some coffee and donuts, and the RCMP were there...they asked if those were for them...

And I said, "No way," that they could get their own. They would never have let us away with the things that they let the natives do and did nothing about. (June)

*They'd stand on the picnic tables down there at the shore, and they'd be having their lobster feeds, and music blaring, and loudspeakers and the whole nine yards, you know!...and I did say to the RCMP one day... that I feel that I'm being watched. Mostly they're just intimidating you. ...These were the Warriors down there with binoculars. And I mean, I don't close curtains at home, I like to look out on the bay...*

*... Oka. Oka. That was some of them that was here.*

*...*

*...They had barbed wire, roadblocked, and every vehicle that went by, they'd lower the wire so people were running over it...*

(Martha)

At least they said no weapons. And one morning I was on my way down there and I saw a young guy come down and park his car and get out, and I could see that he had a big machete held down by his leg. And he walked toward the wharf and I wondered if the RCMP was going to do anything. But I saw the officer go to the guy and say that if he was going to have that, he couldn't be here - he wouldn't do anything to him on the reserve, but not here. So that guy got back in his car and drove around back to the reserve.

(June)

Those warriors that came and took everything over, they were dressed in camouflage and painted their faces. They were at the roadblocks and on the wharfs. They were some of the radicals - but they weren't from here and weren't even native some of the time. At the store, they told them that they couldn't come in with their faces all painted up like that and stuff, so that you couldn't see who they were. So one of them took it off and he was some white guy from the surrounding area - so you don't really know who they were, just anyone looking for an excuse to make trouble.

(June)

The roadblocks that were set up by the Warriors and other native protesters were also an ongoing issue for residents of the English Burnt Church. These roadblocks were set up not only at the boundaries of the reserve, but at times at the crossroads of the english community,

or at the access point to the wharf (past which were many more english homes and summer cottages). The roadblocks were a key example among many used to illustrate residents' concerns with violence during those years.

... it was fear, we don't want it to escalate and blow up... so we'll just kind of let them do what they want to do.  
 But what if I just did what I wanted to do?  
 What would you do to me? They'd be carting me in a car, and putting me in jail...  
 If I'd been armed walking in the street?...  
 If I had put a roadblock up?... you'd have put me in jail. How come that didn't happen?...  
 It's like they were playing some kind of game... but there was three sets of rules, depending on who you were. And what was it all about anyway? *Laughs*  
 ...Get a licence, get a boat and go fish...  
 (Brenda)

So was it '99 that they shot at Clay Murray or was it 2000? ... *sighs* Big Cove was here...Indians from Big Cove shot through the back of his boat – back of the wheelhouse. Three of us went out, three boats, out for a drive. And the Indian boats started coming, ... Clay and I kept going. One boat followed Clay, I was wondering why he was heading – doing some erratic driving. And you could see the flares, they were shooting flares at him, into the boat. Then this fella got out on the boat, layed down on the front, shot through the wheelhouse. But I didn't know that until after I got home to the wharf, I stayed out for a couple more hours. People were kinda wondering where I was.  
 They checked that boat, I believe, the day after. ...I think with the helicopter they saw the fella that did him, so they didn't bother sending anybody to the water. ...It was a week or more after that they picked [the shooter] up...(Matthew)

...I come down, ... got to the head of the wharf there, Holy Jesus they had a roadblock there! Little army suits on and all this stuff. And... there was just this little spot I could see that I could get through, right by the ditch. So I hit through that there – and all of a sudden this young lad there ...– they were all from Restigouche, it wasn't the Indians from here – ... this lad jumps right out in front of me, yelling out with a long ponytail and a little army suit on. So I just came right on hard, just pretty near hit him...  
 So I come down here, and I change... then I went back up again. So I got up and it's still all blocked off, I just kept going anyways. All of a sudden I heard this lad yell out something. So I slammed the brakes on, and I backed up. And the lad was there, and it was the same lad I pretty near run over. And I said, "What the fuck did you say?"  
 He said, "Oh, I was just telling these lads here to get out of your way. You pretty near run me over."  
 I said, "I should have run you over, sorry I didn't." I said, "I have nothing to do with this bullshit." I said, "I live down the road." And I said, "If you're blocking me from going down to my place, when I come back I'm going down and getting a gun, and I'm coming back and I'm going to shoot to kill. Not to maim, I'm going to shoot to kill." And then these other lads come over, and they said, "Hey! Hey! No problem, you go."  
 And I said, "Fine, very best." (Jake)

*overfishing, greed & rights: the native fishery*

The other ongoing concern for people in the dispute, especially for fishers and their families, was the impact of the native fishery. The fishery is a primary local industry, and as in many other rural northern communities, the resource-based economy leaves those living in Burnt Church few employment options.

They knew how many traps – up until the day the traps were all cut off, Wilbur [the band council chief] was saying that they had 1700 traps in the water. The day after the traps were cut off, or the next two or three days after, ...you could go to the RCMP office and put in a claim for how many traps you lost. 6000 traps were claimed. *Laughs* ...

If everybody had known where the good spots were, then it woulda been a lot worse. See, that's why the fishermen were so mad. Everybody says its cause we didn't want Indians fishing... it had nothing to do... it wouldn't have mattered who was doing it. ...Out there in '99, certain boats that were fishing had their traps in the good spots, it was rock bottom... and every one of those boats that had the good spots, you can tie into a commercial fishermen. Every fisherman has the good spots marked down on their GPS... so how did those boats end up – never fished before, especially out there... and they knew where the spots were. I can't say ..who gave it to them , but a fishermen definitely gave the coordinates... so how much did they make off it? *laughs*

There's a lot more than what everybody knows, but you don't get that stuff in the media. .... (Mark)

They were saying what they were doing wasn't hurting anything... but they were taking the whole commercial fishery and putting it in one small little spot....

..They'd give a figure of 1000, but fisheries would say their count... 3500 I think, was their estimate, but then you'd go to a meeting with Fisheries, how many traps are on a buoy? ...seven, four, three, fifteen... If there's 3500 buoys, how many traps you got? ...Big Cove... the way they fish, down south... ..so their [native] estimates were way off... When they were cut off, they put in for losses to the gov't for I don't know how many thousand, and there still were about 1500 buoys in the bay....

...setting traps in 75 feet of water with 60 feet of rope... the new fishermen... things like that are quite common the last couple of years. ...so much rope, ...longer than the length of his house... Sometimes it's comical. ... wish we got a start up fund every year like they do. ...start up money, ...he's been fishing six years, seven years... (Matthew)

...The Indians don't [hurt the fishing] – the poaching is nothing [here]. It's across the bay [that they're poaching]. They're fishermen, they know. The Indians are very very inexperienced with fishing. You can sit out here in the morning if you'd like, and I can show you exactly how they fish. Out here was always left to the dories, because it was all shallow water. Because there was always little small patches of rock and everything else.

...So the dory, you put your traps close together and you get your fish.

The Indians out here, they're all fishing with 40 footers, 45 foot boats. And it is plastered out there, thousands of traps. ...And there's no lobster out here even for another month. So they don't have a clue, they don't go outside [the bay]..

*Indians are afraid*

So they're not hurting anything.

*I think the hurt is, is because 'Huh! I'm fishing beside someone and I'm paying thousands of dollars a year payment and you're paying nothing', type of thing. (Jake & Martha)*

Most of it, ah, I would say, there was a non-native behind most of it. A lot of the ones that made money were non-natives. One of them, he made a lot of money, quick. Because he rented traps to people that didn't have the money to buy them. For so much a pound. He rented his boats so they could go out and fish them, for so much a pound. And he bought the lobsters when they came in. So he paid maybe, oh, I'm just guessing, but I would say maybe a dollar a pound, and sold them for five. And all he had to do was just sit there.

So see, he was one of the loudest ones, and that's why. It was money for him. And Wilbur was doing the same, the chief had a boat and he was doing the same.

And I can guarantee you it wasn't rights with Wilbur. (Mark)

...I've said for years there's nobody any greedier than a fisherman. And its true... but it just kept getting worse, eh? A few people made a lot of money, and that's what it was ah – to me it had nothing to do with rights. Some of the people, yes, the ones that weren't fishing, but were fighting for it. I would say to them it was rights. The ones that were fishing, was money. It had nothing to do with rights. (Mark)

### *relationship*

Largely, the people of the English village felt that they were left to deal with the challenges of the dispute on their own, and that they were vulnerable both to the whims of the native protesters and to the labels and judgements of outsiders. After the dispute, the need to protect the village from these threats persists.

And when all this racket was on us, after the cutting was all over, nobody showed up to support, to help or anything like that, We were stuck, this community all by itself. ...It made it hard on this community.

...The community watched out more for one another, I think. ... everybody was making sure the other person was okay... (Luke)

I've known Wilbur [the elected Chief] for all my life ...well, I've known them all. We played on the same ball teams, and everything else, played against them fought with them. Everything else.

*Was it more friendly with them before this all happened...?*

Well. You have your friends and your enemies. Can you say all the – say you know ah, 300 French people. Are they all your friends? You know what I mean? It's, you know -

I've had people tell me I'm racist. But to me, if I like you, fine, you're my friend. But if I don't, if you do something to me that, you know, well then you're kinda my enemy, it doesn't matter what you are, or who you are... So I probably can tell you honestly that I know more Indians that I like than I don't like. Oh, for sure, yeah.

And I know a lot of more white people that I don't like than Indians that I don't like...*laughter* so maybe I am racist, but it's against everybody. *Laughs* (Mark)

A lot of people in the community are related to local fisherman – brothers, sister, cousin, uncle or someone, and they took it as personal as if it was them out there themselves.

...There was really, it wasn't a real great deal of consideration given to the aboriginals as to their rights and that sort of thing. We've done this for years, that's been our area, we don't want other people coming around here, taking it away. Generally that's the attitude. ...Its still going on at the present time you know, they're talking about getting the wharf fixed up... but one of the conditions was that ... you have to allow the aboriginals to come up here and use it... but the majority of them said no...

...so nothing will happen probably, which is sad... they're just concerned... that the natives would be up there all the time. ...and we wouldn't be able to go and sit on the wharf, fish mackerel, whatever... with the natives up there all the time.

But that's the cultural thinking of this community, with the majority of people, probably wouldn't say it, but some of them will. (Paul)

When the snow melted... you'd have this feeling in your stomach. Okay, what's going to happen this time? Are they going to come back? ...Whose life is going to be lost?... It's one thing to burn a vehicle... to make threats against a family... but the next step is even worse... it could happen... . (Brenda)

Talk about Iraq. (June)

## V. Community Talks during the dispute years

During the dispute, some attempts were made by religious leaders from the village and the First Nation to bring residents together to talk about their concerns and experiences. It was hoped that this might provide the foundation for some renewed relationships, but in the end the talks foundered.

It was the Concerned Citizens, with Rev Dan's help, that tried to get the communities together. People were very very upset and prejudiced. And they didn't want anything to do with the Indians. And the Indians didn't want anything to do with the people up here. And it was – at that time, everybody had lost respect for everybody else. And it was hard to get people together, they didn't want to be in the same room with them, they didn't want to have anything to do – and not just the white people against the Indians, the Indians felt the same way.

Anyway, we did, several times the Concerned Citizens got together with representatives from the aboriginal community, But they didn't want to listen to anybody's side, they just wanted to tell their side, and try to make you understand how they felt. And a lot of what they felt was not relevant.

...Like there was one lady who was telling us about her daughter went and applied for a job at Tim Horton's in Neguac, and she told her daughter that she's never get a job at Tim Horton's because she was Indian... and her daughter didn't get the job.... And David Warmer was there, and he said I'll let you in on a little secret, If my daughter applied for a job in Neguac at Tim Horton's, she wouldn't get it either. And its not because she's Indian, its because she can't speak French. ...He said it had nothing to do with being Indian. But I think that's what they're drilling into their children, you're Indian so ...

...that's drilled into them from the time they're little, so therefore they've got no respect for white people cause that's the way white people treat them because they're Indian. And to me that has nothing to do with what happens.

...that includes the fishing dispute. I really – I never taught my child that you're not going to get a job because you're white. You go for that job. If you don't get it, it's not a big deal – but if you want it, you go for it. And you're just as good as anybody else...

.. to me that's drilling things into their heads that shouldn't be there.

...But that was just one example. There were different examples, of things like that went on at these meetings, and they were saying how badly used they were, But I don't see that they were being any more badly used than what you would have been or I would have been if we'd have done the same thing. ...It had nothing to do with your colour, creed or race. ...after you hear that for so long, its like telling your child its bad, and how bad it is all the time. And after a while, they think, well I'm bad anyway, so... And I think they're doing damage, to their, the next generation by doing this to them...

(Mary)

... The Natives were really more venting their emotions, concerns and problems they had, ... there was a lot of truth in it too. ... One of the big things with them is they felt that there was no respect for them, you know, and they should have a right to do the fishing. As far as their treaty right they should have a right to do that without any interference from anyone else. They also presented the fact that people were always putting them down, and they had a number of incidents too [that they talked about].... (Paul)

I stopped going after a while... it was just a continual, you had the same people talking all the time, and they were telling the same story. You really weren't progressing, I didn't believe we were progressing to any – you can talk about all of that sort of thing, but then there's a point you gotta kind of move on, move beyond that, try to move further...

We had the New Brunswick provincial government involved, from Indian Affairs in Fredericton... They even hired a some sort of a coordinator... sort of led the meetings, to try and draw out information. ... Her main purpose was to try and draw out some of the hurts.... Try to move on from there. ...She did do an excellent job. We went after the provincial government to try and get her to ... come back, but it didn't work out.  
... it was good what she was doing, but her stay was too short...

...you had a lot of people start to disappear from the meetings...it seemed pointless... we're not getting the people here that we need to have here, want here... I just didn't see that advancing anywhere. Its hard to tell sometimes, you know. ...Eventually they just folded it up b/c the people from the Burnt Church First Nation down here they stopped coming as well. ... (Paul)

...They kept saying how terrified they were of us. How could they possibly be terrified of 100 senior citizens? ...we never went anywhere near them! So why could they sit there at that hall and tell us they were scared of us? *Pause* It wasn't their trucks that were set on fire! It wasn't their boats that were threatened! It wasn't their people that had Molotov cocktails thrown at their houses! (Mary)

Some of them have a real chip on their shoulder which they have to deal with. I mean, we would have these meetings and they would say all of this stuff that has happened to them... One, she was saying all of these things that had happened to her family. You just felt everything was on her, blaming everyone for everything that happened in your life. She just has to get that chip off her shoulder. I mean, not that the residential schools weren't bad and things, sure they were. But you've got to move on and get it together. Things have happened to me.... If I wanted to have a chip on my shoulder I could, but I just get on with it. And some people there really aren't doing that. (June)

And then there were other times, like at the meeting at the Band Office, where we sat in a circle and there were like fifty people - and I was so nervous, but the point of it was to talk and say what we had to say... and there were people there that were so angry, but I spoke, and then afterwards Lloyd came over to me ... and just put his hand on my shoulder and said "We will always be friends, always." And things like that, they made me feel better. (June)

## VI. Characterizations of Culture and History

In the English village of Burnt Church, some have strong views about the nature of life and community amongst their native neighbours, and others see these views as problematic, and racist. These divisions between the two communities track back to long before the dispute, and are illustrated in some conversations with stories of relationships from childhood, and in others by discussion of how English villagers see money and responsibility being treated in the reserve.

But – there is people in Miramichi that don't know there's two Burnt Churches! You don't have to go very far. There's Burnt Church and the reserve. And they have no idea that there's two – it's two different communities, And that's only what – half an hour away? ... (Mark)

...As far as the isolation, it's always been that way... each community, English, French, and Native, has their own identity, in their name and who they are.... (Brenda)

... I can remember this was all dirt road, right into Burnt Church, all dirt road here. But I can remember sitting out here, and being a kid, Indians would always come up to the line [marking the edge of the reserve] – they'd go over on the shore, walk along the rocks and walk on the shore all the way up to the Anderson's store, to get what they were getting, and all the way back to the shore and walk up. They would never ever walk on the road here. They were shy people to begin with, they were very apprehensive in associating with white people, because of being segregated and not being familiar with white society. (Jake)

...it was just more or less see I got away with that, I can do this... they're like that, they're like little kids. I don't know if you know any of them down there or not? ... well they're like little kids down there, if they don't get their way, they'll yell and holler, and the government – right away, anything they want down there they get. But it's the governments fault. It's the way they're teaching the young ones... there is some good ones down there, I'm not saying they're not, but lotsa bad too, same as any other, there's good ones, there's bad ones. Kinda discourages a person after a while. (Luke)

... They think different than we do. Now, why I don't know but they do. But like I've lived here all my life, but I've never had a problem in the daytime. You might have an argument or something. But you would never have a fight or anything like that in the daytime, it's always after dark. Why, I don't know... maybe it just happened every time that they build up and in the dark they're ready to go? I don't know.

A lot of people don't realize how different it is. Now, ah, that's not the Indian's fault, that again is the government's fault. Because you can't take, say there's a thousand people on the reserve? You can't take a thousand people and crowd them in one area and expect them to turn out angels... especially if you don't have any bills, you don't know the meaning of money.

Like these boats that they have. They were given 250,000 dollar boats. Some of them they're split – its two years old. And I mean, its because they were full of water. ...there's four of them...they're trying to blame it on the boat builder, so they're inspecting them. But I know one for sure, he never put the hatches down on the floor last fall... of you do that, it's going to freeze and split.

If he was paying nine hundred dollars interest a month, on that, he wouldn't leave the hatches up. But if it's given to them then there's no difference. And that's what's wrong on the reserve. (Mark)

There is some good relationships. During the months of May and June, when the commercial fisherman are out here fishing, you have about 9 aboriginal fishing boats, which are manned by aboriginals, and there's probably about 7 non-native fisherman, from the local area. ...they come on great, they talk. Most of these people who fish in May and June, they usually don't get involved in the fall fishery that always created the big tension. They fish during May and June, and they just stay clear of it. ...

But the cultural side of this community though has never tended to really much leniency towards aboriginals. And it's still here today. I'm not gonna really speak for them, but there's still a number of people in the community today still have that same feeling, they think they [natives] should be on reserve, stay on reserve –

...It was just the fact that you know, the Indian reserve was down there, and the Indians, I suppose back in the early part of the century they stayed on the reserve, other than the odd person, I think,... and the feeling was that okay, you're on the reserve, stay on the reserve. Don't bother us, and we'll send you your welfare cheques every month, and you stay home. But the last number of years, there are more aboriginal people being educated. And this is part of the reason why some of the changes are taking place, because people are becoming more educated, and they're speaking out more, they're standing up more for their rights. They've grown up through a period of time where they're probably seeing how they've been put down, or how they are frowned up and so on. And I think this is probably one of the reasons why a lot of these issues are surfacing in the last number of years, you know. People are challenging more of these things. (Paul)

## VII. Government, the Courts, & Historical Obligation

Issues of aboriginal sovereignty and responsibility within the English community for historical wrongs done to natives came up very rarely. These issues were largely represented by spaces of silence in people's conversations rather than by discussion – but when they arose, people spoke eloquently:

I don't want to get caught in the rules – I don't want it to be about native and white... fishing and non-fishing... it has to be about people... and there's always going to be someone that has to stir up the pot. And it's the pot stirrers that I'm scared of.

...my basic feeling is... for native rights and whatever – well, this is the world that we live in now. Why do I have to pay for the sins of my forefathers? ...whatever the laws of the land are, why can't we just follow them?...

For fishing...lets make the rules be fair across the board...we are both gonna do the same job,.. and to me that's fair, that's just, that's right...

I don't see any reason why the native people can't fish. ... but I don't agree with give give give of money from the government. That money is too open to manipulation and being given out unequally. The government pours money into the reserve, giving chief and council control over where the money goes, the power to designate who gets the money, and who doesn't get the money. Its not fair across the board for the population. There are too many leeches, and its too open to for native leaders to be "I can control, I'm the boss"... How is that building up your sense of integrity and your sense of self, if you think that I can take it from you?

(Brenda)

And that judge had the almighty gall to get on television... and say I think we made a mistake, with that decision. Well, you're a bit late thinking about it! ...They were supposed to go over everything that might happen... But you can't change it now!... I think this is just starting. Like wait until they decide they want the oil, and they want all the minerals, and they want all the woods, and they want and they want and they want. They're not going to stop at this, the fishing's just the first step. It's going to go on and on and on. Unless somebody puts a stop to it.

Like I think it's a terrible thing, what was done to the Indians at the time – but I had nothing to do with it! And they had nothing to do with it! Like, they weren't even involved when the British government decided to take them, put them all on reservations! That should never have happened! But it did happen! But how can I be held responsible for what they did? ... And how can they feel so terrible about what happened to their ancestors, way back when? There's nothing they can do about it, any more than there's something I can do about it! I don't understand it! (Mary)

More often, people were focused on the need for there to be the same set of rules for all people who live in Canada regardless of past wrongs, and the need for there to be transparency and honesty from the government about its efforts to uphold one law for all. In the meantime, many see the Canadian government as responsible for creating a situation of dependency on reserves, which they believe resulted in the dispute.

When are we going to get a fair justice system? *Laughs* Don't know when that would be.  
 ... The justice system, I always thought before it was fair to everybody, but not anymore. It's crooked.  
 Think if they got a new justice system out, or be equal, like, with everybody then it might change. But before that, I don't think you can get anyone around here to call the cops to come protect them, they protect themselves, I think. ... (Luke)

Our government is more looking out for its own life than what might be right and wrong. There's not too many voters here. What's in NB, six seats or something? So it doesn't really matter to them. Public opinion matters to them though. For some reason, a lot of sympathy for the natives in Ontario, where all the population was, so they kinda basically did what they wanted. In my opinion. To a point, anyway. (Matthew)

But like I said, ... this would never have started if it hadn't been for the government. It was the government that started it, and the government didn't know how to fix it.  
 ... Everything is given to them [natives], no incentive, so how's their life ever going to improve? They've got to be given a chance to work, to earn, to live. They can't be confined to reservations. That's got to go.... The government paying them every month has got to go. They've got to learn to work and appreciate things before their life is ever going to get better...  
 ... They [the government] need to teach them – what's that expression? Give a man a fish and you feed him for a day, teach him to fish and [you feed him for a lifetime]? ... They need to teach them to do something with their lives, and be contributing people. They contribute nothing, they're takers. And I don't blame them – they were put in that situation, they didn't choose that for themselves. ... but that's got to change. ...  
 Like I said, it's not their fault and I don't blame them. If we were put in that situation, we'd do the same thing, That's the way they're brought up, they don't know any different. You can't blame them – you blame the government. It's the government that did that to them... until they do fix it, it's going to continue. (Mary)

...Fishing in the summertime – to me it wouldn't make a bit of difference who you gave that right to. They would do it. They're not out there fishing out of season because they're Indians, They're fishing out of season out there because DFO lets them.

If DFO said, "Okay, we're hauling back, we're not going on the water from July to September, do what you like," 98% of the fishermen would be out there. So how can you blame somebody for doing it? You can't really, because its human nature, you're gonna do it. So to me, there again, it's the government let them do it, so they did it.

You can't say they did it because they were Indians. It makes no sense... it's because they were let. It doesn't matter, I mean, do you sell drugs because you're black? I don't know. ...So as far as I'm concerned – I can't say that I would be out there fishing, if they let me, but I can't say that I wouldn't be. I couldn't give you an answer on that... probably leaning more to the side that I would be there – because if I was let do it, why not? ...

Rules...I don't know who makes them up. Really. Decisions about the fishery, in the last ten years, have all switched to Ottawa. ...Mostly because of the native issues. ...It's not the fishery officers in the field, it's not their fault. They only do what they're told. They probably would have cleaned the mess up. But they weren't let do it. ...It was all coming from Ottawa, so. And as long as they're up there they get to see it in the paper, or on the news, and they get reports. They only have to read what they want. (Mark)

This concern with uniform enforcement of regulations, and with transparency, is a particularly strong one for fishers and others who dealt with the Department of Fisheries and Oceans (DFO) during those years.

...What DFO was saying, to the public, is not what was in their memos. I have copies of a lot of it. I have a MP that likes me. *laughs* I've got a stack of paper that high, all of DFO emails between the offices and stuff. Most of it's blacked out, but you know what the feeling is. It was nowhere near what they were telling the public. Nowhere near at all - ... their figures, what they were going to do, what they had to do. And what they told the public was too different. To me, it was two different agencies.

...They were – oh, they were saying about a third of what was actually going on. ...Well, they wanted to be the good guy. ...what did they say? Ah, in 99 they were saying that it was probably 500,000 pound [of lobster caught by natives]? It was over a million.

I mean, they knew that. I mean, when they were saying 500,000 pound, they knew. That it was over a million.

They were going out and checking [native] traps at night. They were watching those traps, so they knew the ones they fished,... and what time they were last fished... so they let them go so many hours, and they check them. Count the fish. They have a formula.... And it's pretty close. I thought they would be way off, when they first told me. But I checked a few myself, and it's close. (Mark)

... the Fisheries don't go, they don't want to get mixed up with the Indians, so what they do they watch on shore, and if they see where they're fishing, they go out and drag, get their traps, cut them off and take them for a season, then next day the Indian puts out more. And he fishes for about three weeks, till the white people start complaining about them fishing so much. And they watch, and they'll go out and take them out of the water again. They won't go out when the boats [are] out there, and charge them, or seize their boat or anything like that, because they don't want to get involved. (Luke)

This sense of being the very least of the government's concerns is echoed in another of Marg Adamson's poems about Burnt Church during the dispute, "The Forgotten Burnt Church". Here is an excerpt:

We are not important to the Government,  
 And we are left here in the lurch  
 We are the forgotten people who are being sacrificed,  
 The people of the other Burnt Church.  
 Our numbers are few compared the Indian Reserve  
 And so us they can all intimidate  
 Our Government helps this situation along  
 By giving them things they don't appreciate.  
 ...  
 I wonder if the Members of Parliament ever read  
 The book Animal Farm, if not perhaps they should,  
 Because that is the way the Government is running  
 This country, and that really isn't very good.  
 Everyone is supposed to be created equal  
 But some are more equal than the rest.  
 And we are at the low end of this totem pole  
 But Burnt Church Reserve will get the best.  
 ...  
 There was a time when we were a thriving community  
 And general stores, there were two.  
 We had a church, a school, a post office  
 A wharf and a lobster factory too.  
 All that has gone by the wayside  
 We'll have to go to the canoes made of birch,  
 Because we are the Government's forgotten people  
 The people of the other Burnt Church.

### VIII. The End of the Dispute

For many people, while the dispute came to a close with the signing of the Agreement-In-Principle by the federal government and the band council, and while tensions eased, the terms of the Agreement (including the awarding of communal licences to the First Nation) created as many questions as they answered. While for some in Burnt Church the dispute is clearly a thing of the past, for others the roots of the conflict still remain, and will, at least to the end of this generation.

I think it sort of ended when the agreement was signed. I don't think that there's still a lot of trust on both sides... But the tension eased when the agreement was signed, and when they stopped fishing illegally.  
(Mary)

Christmas Eve was the first time that I went down through the reserve since 99. ... You don't get a very good reception in the store in Neguac or anywhere if there's two or three of them [natives] there, so I don't think I'd drive down through the reserve. But a lot of them have changed now. For the first couple of years, not too many friendly ones.

...  
They'd talk in the news how they were scared to leave their community, scared to leave their house... they didn't feel safe going anywhere. Heck, didn't matter where you went, ... there seemed like there was more than ever, everywhere you went.  
(Matthew)

In our community at that time, it was a total invasion... our community was taken over... by Warriors, Observers, RCMP... You wondered who they were here to protect. I talked to the RCMP one Thanksgiving as I was on my way down to the wharf, and they said to me "Monday, we're outta here." Well, at the end of that season the RCMP left. We all wondered "What's going to happen in the spring?" Even though everyone left, there still wasn't that feeling of comfort... But now, looking back, we know that we're never going back to that kind of thing. (June)

...because the Warriors aren't here... the presence isn't here... but the underlying... In that way, it hasn't really ended... like lead poisoned paint... it's still leaching out.  
(Brenda)

But that's another thing too, communal licence. It's good in a way, good in a way for the [native] community, because if the individuals were given the licences, probably half of them would've been sold by now. I mean they had more licences than the white community before, and they're only down to one now. ... The rest are all communal licence.

According to DFO, it's a communal licence if you have one and I have one – you've got a 100 traps set and I've got a 100 traps. Your husband maybe works in the woods, doesn't fish, Saturday he jumps in a dory and hauls traps... fisheries can't do nothing about it... So that's not too pleasing to the ones that have their traps out there and somebody else is going fishing them.

That's DFO's stance, they're communal, they're for the benefit of the community, therefore they can't stop anyone from the community fishing. *Laughter* Who is benefiting in this...? (Matthew)

For some, the feeling of being the 'least of these' [French, Native, English], especially in the eyes of the government, persists.

And even now that they have all these licences and supposedly we're all equal now, at the end of the season, seasons over midnight tonight, your traps have to be out of the water, tomorrow, dinnertime there'll be a few go out, start picking up some traps. Fisheries'll drive by them, maybe the next day... about three days after Fisheries'll go around, pick up all the traps... bring them ashore and take them to them. Us, they haul up the trap, cut the heads out, cut the rope off, they bring the buoy. Everything else stays there.

And they have, I think its only 30,000 lb now for a food fishery... ..Can't find the chief to get permission to take the traps out of the water. As if the DFO doesn't have the authority...

That's the way it works. Now that we're on equal footing. *Laughs* (Matthew)

...The English and the French always got along, we always intermingled... there wasn't ever ever a problem with the French. But after the fishing dispute, it was the French that applied for all the hardship they went through. I don't know what hardship they went through I don't understand. But they're the ones that got government money for going through a terrific hardship while the dispute was going on! The dispute wasn't even down there, it was here, and we got nothing! And that really upset me.

Because we were the ones that were inconvenienced, we were the ones that were given the hard time, and Burnt Church got absolutely nothing. ... it all went to Neguac. Because they're a larger community and they've got more boats! (Mary)

People I guess, as life goes on, people kind of, when the immediate problem sort of goes away, people have a tendency to forget about it somewhat, And you don't talk about it or think about it a great deal. But the root cause, the root problems are still there.

And of course two years ago the federal government gave the BC reserve... \$25 million dollars to help the community to buy fishing licences and boats and so on... since then, things have gone fairly smoothly, ...as far as the relationship. People speaking, talking, but the natives still ... [have a] very high unemployment rate on the reserve. But the ones... that did get boats... they had some income coming in to their families. Visibly you can tell it made quite a difference in the community.

When they were not working, we would have a tremendous amount of young people come up here on this golf course, in the evenings... smoking dope.... The last two years... with more people working... it certainly has decreased the presence of people up here tearing around in the evenings, and the destruction. I see that as being a positive thing, that the natives are working, or more of them are working. ...The majority of them that's what most of them want to do is to work. ...take pride in themselves.... So I think that is a positive thing that has happened.

But really, the fishery issue created a lot of problems, and – most people will die in this community without any great deal of empathy for the natives. They're just too old and they don't, they're not gonna change. I guess all you can do is hope that the younger generation coming up is going to be a little more open minded and a little more – there's not so many [young people]. In this community, anyway. (Paul)

My family IS this community. My aunts, my uncles, my brother, my brother in law. My cousin. It affected my whole family, not just my immediate family. ...it's fear, it's scaring... violence does not bring peace. It doesn't. So I'm sure that each person in this community still has dreams that scare them... because it could happen again. *crying*  
 And if it does happen again, it's going to be worse. And our community is only like 100 people – counting the cats and dogs. ... (Brenda)

## IX. Lessons & Hopes for the Future

For the people of English Burnt Church, there are mixed thoughts of the future.

Some see lessons that can be learned; some do not. Some are hopeful for the future of the community and the fishery; many are not. For many I spoke to, three years after the dispute it was hard to see a way that the future could be different from the past.

I don't know if there's any lessons that could really learn from the fisheries dispute that could be of benefit, They all sort of take on a life of their own – and they have different players involved, and they have different approaches. I don't know. I really don't know of any great lesson that was even learned here that you could pass on, really. The only thing to me that really quieted down some of the issues in the BC area was when the federal government gave the 25 million to help purchase some fishing licences and boats, and that put some of the natives back to work again, by doing that ... gave them some pride and ownership in what they were doing. ... Which is only human nature that it would do that, of course.

In summary, I would say that I am of the belief that if the natives have some full time employment, that would give them the opportunity to go out there and work and have an income and , you know, have security for their families... a lot of these problems would disappear... As far as the local community, building up some sort of good relationship, I really can't see it. Maybe with the younger kids growing up, someday it might develop into that, but overall the community as a whole I really... don't see it in the near future. (Paul)

Now last year there was no lobsters. Whether there will be this year or not, nobody knows. That's what you were trying to prevent. ...It's probably going to be eight years. If it is, one thing is gonna be that the DFO is going to have exactly what they wanted, twelve years ago. ...30% less fishermen. The sad thing is it's gonna be all the young fellas [that go]....  
 Well, there's still – when they're fishing in the summertime, its better now, I will say that. But, you still would like to see it stop. Every fishermen would like to see the food fishery stop, for the season. Like in May and June, fine. You know, there's no problem there at ll. Because everybody knows it's not a food fishery, it never ever was. (Mark)

As it has throughout these conversations about the dispute, the importance of one law for all remained key for some here too.

...The whole dispute is one race of people getting everything for nothing, and another race of people having to work and pay taxes, and hardly making a living at it. Because the resource isn't there.

*Mhmmm*

It doesn't matter whether the Indians catch the fish, or whether the fish are there. It's the whole attitude is "You got this for nothing! I've worked all my life." ...It'll be the woods work, it'll be the natural resources, it'll be everything like out west, the property, the land, it's never going to end. It's not going to end. Never.

*Well, we have to change.*

I don't have to change my attitude. It's the government that has to change.

*...we have to change our ways of thinking, [start] thinking 'There is a solution to this.'*

Oh, I know there isn't a solution.

*You have to have faith I think. (Jake & Martha)*

...If they're allowed to fish illegally, everybody should be allowed to fish illegally. They can't have one law for me and one law for them and one law for the next person. If they've got a law, everybody's got to abide by it, in my way of thinking. You can't have different laws for different people depending on your race, colour and creed. ...If you're going to keep peace in the communities where you're so adjacent to each other, you've got to have one law for all. (Mary)

For others, still, the problem lies in the enforcement of the law. Believing that the RCMP and the DFO did not enforce the law equally during the dispute leaves some residents prepared to enforce the law themselves, should it be needed, and leaves others despairing about the ease with which a violent conflict could arise again.

...Never tell an RCMP officer anything. Never tell the DFO anything. Don't even look at the media. Do what you were gonna do, on the quiet, nobody'll know about it, you won't be charged, everything will go away.

And, really, that's the way it is. ...

RCMP, if you tell them anything, they will wait and you'll be charged. No matter what they tell you. ...The RCMP'll tell you that – it's two different laws. That's just the way it is. We've known that for years, but I never ever thought of it before. ...and I would never call them – I've told them this, "I will call you after. I'll never call you before." Like if somebody's trying to break into my house, I will never call the RCMP. After. If I could I would call, but never before. (Mark)

You don't know really. ...I could say...all those guns, the police should have come and taken them away. But the reality is those guys with the guns, they would have shot the policemen. They would have started firing... they would have. So the plan was, let's do this as low key as possible...

Cause it could have happened – it could happen tonight. A phone call could be made, we could be swamped, with thousands from outside our community... the mentality of power and taking over and being violent. And what can you fight violence with? Violence? No.

And if I do nothing? Violence. And if I do something? The violence takes over....

and I don't know if those people... if they wanted to have the Warriors there. I don't think so. Do you want to have guns in your community?... I don't know. (Brenda)

In the village of Burnt Church, the dispute leaves a legacy of estrangement, from government and its agents, from the Canadian public, and from their neighbours. Most residents of the English community believe that no one really attended to the crisis that they were experiencing, and that their views have not been understood. Within the community, while many remain angry and concerned about the native fishery, some also believe that it has made a difference to the lives of their native neighbours. Overall, however, the two communities remain largely estranged, mistrust and history winning out over the hopes and best intentions of some residents. For everyone in the English community, the shock of the sudden violence that erupted during the dispute remains.

It doesn't take a big spark of violence to totally turn people's lives upside down. At all. At all. (Brenda)

## Appendix 3

### Research Protocols

#### i. Letter and consent form seeking permission for participant-observation.

Sarah King  
Ph.D. Candidate, University of Toronto

Dear Friends,

As you know, I am a Ph.D. candidate at the Centre for the Study of Religion, University of Toronto. I am conducting research for my dissertation on the role of religion and religious values in the conflict over access to the fishery in Burnt Church, and in attempts to build solutions to this conflict. As I said in our earlier conversation, I would like to invite you to join in this research by allowing me to participate in the life of your group. The purpose of my participation is to help me understand the ways in which the values and beliefs of the members of this community influence their efforts to address fishery access and, more broadly, environmental issues. The larger goal of my research is to contribute to a better understanding of practical environmental ethics, and to improve the ways that beliefs and values are recognized as a part of environmental ethics and management.

I'd like for us to agree together on the best ways for me to participate, given your experience and my interests. Your group's consent to my participation is entirely voluntary, and you may change your mind at any time, without any negative consequences. Unless they choose otherwise, I will use a false name to refer to all individuals from this group in all material generated from my participation, including any presentations or publications. My notes will be handled only by me, and will be destroyed at the completion of the project (no longer than five years from initial participation). If you wish, I will be in touch with you at the end of this project, so that the members of this group may respond to my findings before the completion of my dissertation. I am happy to provide a written summary of my findings, or a presentation of them, for your response.

During my participation, individual people within this group will have the option to agree to be contacted by me for a two-hour interview. This is an agreement only to be contacted – every person continues to have the right to refuse further participation at any point in the process.

I am being supervised in this project by Professors Ingrid Stefanovic, Hilary Cunningham and Stephen Scharper of the Centre for the Study of Religion at the University of Toronto. If you have any questions at all, please contact me at

Dr. Stefanovic at

Thank you for your time and consideration,  
Sarah King

Consent for Participant-Observation

\_\_\_\_ We consent to participating in this research project, through the participation of Sarah King in the life of our group. We have received a copy of her letter of information.

The following are specific requests that we have about her participation:

*(This may include: refusal of attendance at some functions; requests for pseudonyms; requests for participation in specific tasks; request to respond to findings as dissertation is written)*

\_\_\_\_ We agree that Sarah may ask for permission to contact individual members of this group for interviews; our members have the right to refuse such a request at any time.

On behalf of \_\_\_\_\_,

_____	_____	_____
Name	Position	Date

_____	_____	_____
Name	Position	Date

_____	_____	_____
Name	Position	Date

## ii. Introduction Script/Announcement for participant-observation

**Introduction Script** (For the introduction of the researcher to groups where she will be a participant observer.)

Hello.

My name is Sarah King, and I'm a Ph.D. student in the Study of Religion and Environmental Studies at the University of Toronto. I'm carrying out my thesis research on the role of religion and religious values in the conflict over access to the fishery in Burnt Church, and in attempts to build solutions to this conflict. I'm here to participate in this group as a part of that research, with your permission. I hope to learn something from you about religion, ideas about religion, and how these things play out here. I'm also willing and interested in helping with the work of this group while I'm here, if you think it appropriate.

If you have specific questions or concerns about my research, I'm happy to speak with you, and provide any sort of further information. Some important things I need to tell you are:

- Individually, you will remain anonymous – though I will refer to this group by name.
- **If you would like not to be mentioned at all in this research, even anonymously, please let me know. I will still participate in the group, but will not mention your contributions.**
- At the end of the project, I'd like your feedback on my findings before publication, if you're willing to give it.

I also hope to interview some of you about these issues. As the year goes on, if you'd be willing to be contacted about an interview, just let me know. And in this, as with all parts of this project, you can change your mind about participating at any time.

I look forward to getting to know you.

Thanks.

**Introduction Announcement** (for reading aloud by others, or publication in church bulletins or newsletters.)

Sarah King, a Ph.D. student in the Study of Religion and Environmental Studies at the University of Toronto, will be with us over the next few months to carry out her thesis research, with your permission. She is interested in the role of religion and religious values in the conflict over access to the fishery in Burnt Church, and in attempts to build solutions to this conflict. She is going to participate in the regular activities of our church/group/association, so you'll see her frequently.

Sarah writes:

I hope to learn something from you about religion, ideas about religion, and how these things play out here with respect to the fishery conflict. I'm also willing and interested in helping with the work of this group while I'm here, if you think it appropriate.

If you have specific questions or concerns about my research, I'm happy to speak with you, and provide any sort of further information. Some important things I need to tell you are:

- Individually, you will remain anonymous – though I will refer to this group by name.
- **If you would like not to be mentioned at all in this research, even anonymously, please let me know. I will still participate in and refer to this group, but will not mention your individual contributions.**
- At the end of the project, I'd like your feedback on my findings before publication, if you're willing to give it.

I also hope to interview some of you about these issues. As the year goes on, if you'd be willing to be contacted about an interview, just let me know. And in this, as with all parts of this project, you can change your mind about participating at any time before the end of the process.

I look forward to learning from you all, and to getting to know you.

thanks,

Sarah King

If you would like to be in touch with Sarah, you can reach her at (*local number*) or by email (*local email*)

### iii. Letter and consent form seeking permission for interview

Sarah King  
Ph.D. Candidate, University of Toronto

Dear \_\_\_\_\_,

As you know, I am a Ph.D. candidate at the Centre for the Study of Religion, University of Toronto. I am conducting research for my dissertation on the role of religion and religious values in the fishery dispute at Burnt Church, and in attempts to build solutions to this conflict. As I said in our earlier conversation, I would like to invite you to participate in this research by meeting me for an interview of about two hours.

The purpose of this interview is to hear the story of your experiences in the dispute. This will help me to build a deeper understanding of the values and beliefs that motivate you in your own work in this conflict, and to understand how these beliefs are received in the larger community. Taken together, the interviews I carry out will provide me with rich descriptions of the different values and beliefs that are important in the fisheries conflict, and how they interact. As part of my research, they are intended to contribute to a better understanding of environmental ethics, and to improve the ways that beliefs and values are recognized as a part of environmental ethics and management.

Participation in this interview is entirely voluntary, and you may refuse to participate or withdraw from this project at any time, without any negative consequences. Unless you choose otherwise, I will use a made-up name to refer to you in all material generated from this interview, including any presentations or publications. (You are free to choose your own false name, if you'd like.)

With your permission, I will record this interview as a digital audio file. These files and transcripts of them will be handled only by me, and will be destroyed at the completion of the project (no longer than ten years from the interview). If you wish, I will be in touch with you at the end of this project, so that you may respond to my findings before the completion of my dissertation.

At the end of this interview, you will have the option to agree to be contacted for a follow-up interview. This is an agreement only to be contacted – you continue to have the right to refuse further participation at any point in the process.

I am being supervised in this project by Professors Ingrid Stefanovic, Hilary Cunningham and Stephen Scharper of the Centre for the Study of Religion at the University of Toronto. If you have any questions at all, please contact me at 776-4155 or via email ([sjking@nb.sympatico.ca](mailto:sjking@nb.sympatico.ca)) or Dr. Stefanovic at (416) 978-3475.

Thank you for your time and consideration,

Sarah King

### Consent for Interview

Having read the letter of invitation, I agree to participate in this interview. I have been provided with a copy of this letter.

Please (circle one) *do do not* use a false name when referring to me.

I would like you to use the name: \_\_\_\_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_ I AGREE to be (audio) recorded during this interview. I understand that I may ask for the recording to stop at any time during the interview.

\_\_\_\_ I DO NOT AGREE to be recorded during this interview.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_ I DO want to respond to the findings of this project before its completion.

\_\_\_\_ I DO NOT want to respond to the findings of this project before its completion. I understand that I may change my mind about this at any time before the completion of the project.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

#### iv. Interview Questions

I need to gather a “profile” of you, so that I can describe you a little when I write about you. What should I say about your...

age? occupation? religious affiliation? cultural group?  
family members? how long have you lived here?

I’m interested in your stories of the fishing dispute. How did you first hear of it? *OR* How did it begin?

What was it like here at that time?

What was it like for you?

Did you get involved in the dispute?

Did you stop doing things you’d been doing once the dispute started?

What motivated you to do what you did – or to back off when you did?

Did the dispute affect your family? How?

Did anything change in your relationships with your neighbours? What about your relationships with people on the First Nation/English side/Acadians? Your relationships with your church community?

What do you think about how people here handled things during the dispute?

Was there good local leadership?

There were a lot of different parts of the government that played a part – mediating, enforcing, regulating.... can you tell me what that was like? What do you think about the behaviour of the RCMP? the DFO? the politicians? the mediators?

I know that a lot of people from away came into the communities during the dispute.

What was that like? What did you think about how they handled themselves?

What about the media? the observers and peacemakers? the United Church moderator?

people from other First Nations? the Warriors?

I know that the dispute went on for a long time. Did things change over the years?

How did the dispute end? Do you think that anything has changed? What do you think about the situation in the community right now?

What are things like now? Are they different than they were before the dispute? Are you different than you were before the dispute?

Have you always lived in Burnt Church? Do you think that affects what you think about the dispute?

I've heard that conflicts like this could be happening in other places – like in BC over salmon fishing – or over timber harvesting here. Is there anything that we should learn from what happened here?

Are there things that I've missed asking you, things I should have asked but haven't?